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BOMBAY BRANCH
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THE

SPEECHES

OF

THE RIGHT HONOURABLE

CHARLES JAMES FOX,

IN THE

HOUSE OF COMMONS.

IN SIX VOLUMES.

VOL. I.

27073

LONDON:

PRINTED FOR LONGMAN, HURST, REES, ORME, AND
PATERNOSTER-ROW;

AND J. RIDGWAY, PICCADILLY.

1815

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INTRODUCTION.

THE Speeches of Mr. Fox contain such a various fund of political information, that however imperfect the reports of them may be, it would have been a great public loss if any of them had been suffered to perish, or if, by being scattered through the parliamentary history of the country, for the long space of nearly forty years, they could not, without difficulty, have been brought under one view, or be readily referred to, as the subjects of them might occur hereafter.

With these impressions, the Editor was duced to set about a collection of Mr. Speeches, from his entrance into Parli 1768, to the period of his death in 18 fixing to each Speech, as he went al

an historical sketch as, while it rendered the subject of the Speech intelligible, should, at the same time, present the reader with a correct and undisguised view of the parliamentary conduct, on all great questions, not only of Mr. Fox, but of the party of which he was, for so many years, the leader.

When the Speeches were at length collected together, the Editor, before he resolved to publish them, requested permission of Lord Erskine to send them to his Lordship, that he might judge whether, with all their imperfections, they were worthy of publication. Lord Erskine, after obligingly saying in answer, that at his earliest leisure he would look at them, wrote the following Letter to the Editor, which he has obtained his Lordship's permission to publish, and which renders any further preface unnecessary.

J. WRIGHT.

[redacted]anton Square,
[redacted]May 10. 1815.

LETTER

FROM

LORD ERSKINE

To the Editor.

SIR, *London, May* 1. 1815.

I HAVE received your letter with the Speeches of Mr. Fox, which you have sent for my consideration.

In proposing me as the arbiter of their publication, after the great trouble which must have attended the collection and arrangement of them, you abundantly manifest the good faith of the application; because, having lived in the most affectionate friendship with that truly great man, having the utmost reverence for his memory, and having heard from his own lips many of the speeches, the notes of which you have sent me, you must have supposed I should be likely, above most others, to lament, that *the utmost care and attention* could give but a very faint representation of their merits. The expression of this regret is, however, no preface to my wishing they should be suppressed. — Far

from it. Many of them I know to have been preserved by Mr. Perry, personally attached to Mr. Fox, and better qualified by his talents and habits than any man I know, to do them justice; one or more with great ability by Mr. O'Bryen; and even those which have been collected from the published debates of the day, with such assistance only as your own industrious care may have provided, are well worthy of preservation. Indeed, I cannot conceive a more difficult or painful exertion of the human faculties, than that by which the proceedings in parliament are generally preserved, and so far from being disposed to peevish criticisms upon their imperfections, I have always thought that where malice or undue partialities could not be fairly attributed to them, they were entitled to the utmost encouragement and indulgence.—It would leave a wretched blank in our history, and might in the end be fatal to our liberties, if they were prohibited, or should fall into disuse.

They must, of course, come very short of preserving, in their original lustre, those extraordinary specimens of eloquence, which but rarely occur even in this accomplished country; but, if they approach as near as is practicable, without the aid of short hand, which in its perfection is a most rare talent, and which in parliament can seldom be resorted to, they are still highly valuable.—It would be an absurd objec-

tion to a bust of Demosthenes or Cicero, that the vigour of the eye was lost in the marble, and the lips cold and silent, which were the fountains of their fame. — It would be as strange a criticism on a Cabinet of Natural History, that rare animals, however ingeniously preserved, were but feeble representations of them when living; — that though we observed the form of a lion, we could not hear him roar, nor see him stalking over the desart in the tremendous majesty of his dominion; — or that though we could not but admire the form and plumage of an eagle, we should account it nothing, because his vast wings were not in motion, nor his prey flying dismayed under their shadow.

Such feelings are, happily, not natural. — It is folly to expect what is unattainable, and no less so to reject or undervalue what we may enjoy by art and contrivance, because the highest art and contrivance can neither reach nor approach to nature. I am, therefore, highly gratified with your projected publication, and you are welcome to publish this opinion, if you think it will be useful to its reception with the public.

These observations are, however, more applicable to the best memorials of our debates in parliament, or of the pleadings in our courts of justice, than they would have been to those of the ancient world. — The great orations of antiquity were composed with the utmost labour,

were carefully worked upon and refined by their few great authors, and pronounced in public after all the previous study which is necessary to bestow perfection upon the impassioned declamations of the stage: — but these splendid compositions, though they have conferred an immortal fame upon eloquence, though they have been the sources of the purest taste, and have given the happiest direction to British genius, have nevertheless produced in England a character of public speaking entirely different, and, in my mind, beyond all comparison superior. The great affairs of a free government like that of England, could not be usefully discussed in public, by men coming forth from their closets with written discourses, however sublime or beautiful — In our parliaments, it is impossible to anticipate the circumstances or arguments upon which the most vital interests of the country may stand for immediate consideration; and in our courts of justice, whose decisions so often depend upon the oral testimony of witnesses, and which are to be pronounced in the instant, the talent of composition, further than as it gives strength and correctness to unpremeditated speaking, would be still more useless.

British eloquence is of a much higher character — It would be blown down in a moment, if it stood only upon common knowledge, though ornamented by the happiest talent for composi-

tion and delivery. — A British statesman or lawyer ought to have a consummate acquaintance with all that belongs to real life, in the almost infinite combinations which arise amongst a people having attained the highest summit of civilization: their stile must not derive its lustre from studied preparation, but from their having worked into their minds, from earliest life, the great models of taste and genius which, by a kind of human instinct, have united all ages and nations in universal admiration: for the rest, and that by far the most important part of true eloquence, they must trust to the spontaneous, or rather accidental effusions of the divine spirit of man, struck out like fire from its ethereal and immortal nature, when its energies are excited by the great duties which God has imposed upon the few whom He has eminently qualified for the direction and government of mankind.

These general observations may appear to be wandering from the subject of my letter, but they are no departure from *my view of it*; because, if I were to be asked what was the nature and character of Mr. Fox's eloquence, I should answer, that it was only asking me in other words what I understood to be the nature and practical character of *eloquence itself*, when applied to the transactions of British Government and Law.

This extraordinary person, then, in rising generally to speak, had evidently no more premeditated the particular language he should employ, nor frequently the illustrations and images, by which he should discuss and enforce his subject, than he had contemplated the hour he was to die; and his exalted merit as a debater in parliament, did not therefore consist in the length, variety, or roundness of his periods, but in the truth and vigour of his conceptions; in the depth and extent of his information; in the retentive powers of his memory, which enabled him to keep in constant view, not only all he had formerly read and reflected on, but every thing said at the moment, and even at other times, by the various persons whose arguments he was to answer; in the faculty of spreading out his matter so clearly to the grasp of his own mind, as to render it impossible he should ever fail in the utmost clearness and distinctness to others; —in the exuberant fertility of his invention; which spontaneously brought forth his ideas at the moment, in every possible shape by which the understanding might sit in the most accurate judgment upon them; whilst, instead of seeking afterwards to enforce them by cold, premeditated illustrations or by episodes, which, however beautiful, only distract attention, he was accustomed to repass his subject, not *methodically*, but in the most *unforeseen* and fasci-

nating review, enlightening every part of it, and binding even his adversaries in a kind of spell for the moment, of involuntary assent.

The reader must certainly not expect to be so carried away by the sketches now before me. Short hand alone, secured too at the moment, against the numerous imperfections inseparable from following the career of so rapid and vehement an elocution, could have perpetuated their lustre and effect: but, still the correct, and often the animated substance remains, which preserves from oblivion more that is worthy of preservation, than by such means would apply to almost any other speaker in the world. — Eloquence, which consists more in the dextrous structure of periods, and in the powers and harmony of delivery, than in the extraordinary vigour of the understanding, may be compared to a human body, not so much surpassing the dimensions of ordinary nature, as remarkable for the symmetry and beauty of its parts: — if the short hand writer, like the statuary or painter, has made no memorial of *such* an orator, little is left to distinguish him, but, in the most imperfect reliques of Fox's speeches, THE BONES OF A GIANT ARE TO BE DISCOVERED.

This will be found more particularly to apply to his speeches upon sudden and unforeseen occasions, when certainly nothing could be more interesting nor extraordinary than to witness,

as I have often done, the mighty and unprepared efforts of his mind, when he had to encounter with the arguments of some profound reasoner, who had deeply considered his subject, and arranged it with all possible art, to preserve its parts unbroken.—To hear him *begin* on such occasions, without method, without any kind of exertion, without the smallest impulse from the desire of distinction or triumph, and animated only by the honest sense of duty, an audience, *who knew him not*, would have expected but little success from the conflict: as little as a traveller in the East, whilst trembling at a buffalo in the wild vigour of his well protected strength, would have looked to his immediate destruction, when he saw the Boa moving slowly and inertly towards him on the grass. But, Fox, unlike the serpent in every thing but his strength, always taking his station in some fixed, invulnerable principle, soon surrounded and entangled his adversary, disjointing every member of his discourse, and strangling him in the irresistible folds of truth.

This intellectual superiority, by which my illustrious friend was so eminently distinguished, might nevertheless have existed in all its strength without raising him to the exalted station he held as a public speaker. The powers of the understanding are not *of themselves* sufficient for this high purpose. Intellect *alone*, however exalted, without strong

feelings, without even irritable sensibility, would be only like an immense magazine of gunpowder, if there were no such element as fire in the natural world—It is the *heart* which is the spring and fountain of Eloquence—a cold-blooded learned man, might, for any thing I know, compose in his closet an eloquent book; but, in public discourse, arising out of sudden occasions, could by no possibility be eloquent.

To carry on my ideas of oratory, by continuing to identify it with Fox—He possessed, above all men I ever knew, the most gentle and yet the most ardent spirit; a rare and happy combination!—he had nourished in his mind all the manly and generous sentiments, which are the true supports of the social world; he was trembling alive to every kind of private wrong or suffering, and, from the habitual and fervent contemplation of the just principles of government, he had the most bitter and unextinguishable contempt for the low arts of political intrigue, and an indignant abhorrence of every species of tyranny, oppression, and injustice.

It has been said, that he was frequently careless of the language in which he expressed himself; but I can neither agree to the justice, nor even comprehend the meaning of that criticism—He could not be *incorrect* from carelessness; because, having lived from his youth

in the great world, and having been familiarly conversant with the classics of all nations, his most unprepared speaking (or if Critics will have it so, his most negligent) must have been at least *grammatical*, which it not only uniformly was, but distinguished by its taste: more than that could not have belonged to it, without the very care which his habits and his talents equally rejected.

He undoubtedly attended as little to the musical intonation of his speeches as to the language in which they were expressed — his emphases were the unstudied effusions of nature — the vents of a mind, burning intensely with the generous flame of public spirit and benevolence; beyond all controul or management when impassioned, and above the rules to which inferior things are properly subjected: his sentences often rapidly succeeded, and almost mixed themselves with one another, as the lava rises in bursts from the mouth of a volcano, when the resistless energies of the subterranean world are at their height.

These last remarks require, however, some explanation; that I may not appear to depreciate the executive part of public speaking, which is worthy of the utmost care and cultivation — No man admired it more than Mr. Fox, nor was a juster, though always a liberal and indulgent critic of performances upon the stage.

Theatrical representations, which demand the talent of Eloquence, are generally the works of great poets, with which the cultivated parts of the audience are familiar, which they have, of course, almost present to their memories, and which, involving no consequences beyond the emotions they are calculated to administer, exact the most perfect representations — In such cases, the least departure from the justest expression of the passions, the smallest defects in voice or gesture, diminish the fame of the actor; but, upon the real stage of life, where the great affairs of the world are transacted, and where men speak their own sentiments in their own natural language, the case is somewhat different. No man, in either House of Parliament, or in our Courts of Justice, ever felt as if he were in a box at Covent Garden or Drury Lane; and, even upon the stage itself, it will be found, after all, that the rare talent of the actor has its seat in the superior sensibilities of the mind, which identify him for the moment with the characters he represents — Yet, certainly, neither the actor nor the orator can be said to have reached the summit of their arts without the utmost attention to all the delicacies and graces of the most perfect delivery; *not, indeed, thought of at the moment,* which would be utterly unworthy of a great statesman engaged in the mighty concerns of an empire, but to be insensibly acquired by studious observation, and wrought as it were into the habit, so as to be as much a compon-

ent part of the man as his countenance or his address — I thought it necessary to introduce these observations, lest I should appear to undervalue such essential parts of public speaking as utterance and action — Demosthenes seems to have thought them almost every thing; and, even with our habits, so different from those of the ancients, they would be *to most men* immense advantages, though nothing at all to Mr. Fox.

My admiration of his talents, and my zeal for the lustre of his memory, have already led me much farther than I intended when I began my answer to your letter; yet I find it difficult now to close it without saying something upon the principles which uniformly characterize his speeches, after he had arrived at that maturity of thought and reflection, which laid the foundations of his exalted character as a statesman. It is not my intention to examine them in their order, nor in their details, but to advert only, and very shortly, to such of them as most strikingly illustrate the distinguishing features of them all.

The spirit which will be found to pervade and animate them is the pure but regulated spirit of liberty, which he justly considered to be, not only the prime blessing of private life, but the fulcrum upon which every civil establishment must rest for its security. — For my own part, I have always been convinced, that the laws which

govern the natural world are not more fixed and unalterable, than those which preside over the safety and happiness of man in a state of society. Mighty powers indeed, must be vested in all governments, however constituted, and many restraints must be sanctioned by the wisest and most indulgent system of laws; but it should be the constant aim of every human authority to ascertain by cautious experiments how few restrictions are necessary for the support of order and obedience, and by what liberal extensions of rights and privileges, affection and confidence in the great body of the people may be best created and preserved. Indeed, if I were now considering how I might best illustrate our own inestimable constitution, I should say that in one short sentence, I had faithfully described its principles and pointed to the cause of its being preserved and reverenced throughout the world, whilst principalities and powers, strangers to, or neglecting the grand secret of conservation, have been convulsed and overthrown. — No man better understood the powers of this great political talisman than Fox; and, it is both curious and beautiful to observe, with what stubborn constancy he for ever rejected the harsh instrumentality of power, when opposed to the surer effects of liberal trust, of mildness, and conciliation. *

* In governments, constituted like that of England, upon the genuine principles of freedom, few serious resistances will

No man, for example, was more deeply acquainted with the spirit, and even the practice of our laws, nor sought less to undermine the constitutional authority of the Judges; but, he thought for a long season they were undermining it themselves, by usurping the functions of the Jury in cases of libel — On that principle, he proposed his celebrated Act of Parliament, which put an end, in a moment and for ever, to all conflicts between the two parts of our tribunals, always intended to form one harmonious whole; bringing back the country to repose with confidence in the wisdom and learning of the Courts, and securing to the people their unquestionable privilege, of an unsophisticated Trial by Jury in *this* as in other offences — Before the Libel Act, when nothing was left to Juries but the mere *fact of publication*, whilst they were nevertheless called upon to pronounce judgments involving the determination of *guilt*, it

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be likely to take place; but, whenever they do, there is but one course to be pursued. Mildness and conciliation will not do for such insurgents; because *that* is proved by the very insurrection against the authority of so mild a government. In that case, the most bold and decisive execution of the laws must be instantaneously resorted to, and persisted in without pause until the evil is subdued. *Mildness* in the principles and firmness in the administration of government, where it is resisted in its just and lawful course, is the perfection of human wisdom in the management of mankind. I have added this Note, that Mr. Fox's authority may not be applied to in cases where it has no application.

frequently required but little skill or eloquence, to defend the most defenceless libeller: the offence was generally kept in the back-ground, and a stand made upon the injustice of asking condemnation without examination; but when the functions of the Jury were, by this wholesome statute, restored to them, I can speak from my own long experience, that the task became justly most difficult, or rather hopeless; juries considering the cases brought before them, with the greatest good sense and reflection, consulting their own understandings, as they ought to do, upon the nature of the accusation, and the intentions of the accused, but receiving at the same time the learned assistance of the Judges, free from all that jealousy of their own independence, which, until it was secured by law, had frequently entangled their consciences, and perverted their judgments. In this instance, therefore, by following the ruling principle of his mind, Mr. Fox conferred the highest benefit upon public authority, as well as upon popular privileges — in doing so, he looked to no standard of his own, but to the genuine principles and precedents of British Law, which in this deeply important instance, had been overshadowed and misunderstood.

No man was also a greater friend to our ecclesiastical establishments, but he thought that an undue support of the Church became the parent of dissent, when restraints of any kind

were imposed upon Dissenters of any description — on that ground, as well as upon the right of universal freedom in religious opinions, he was the advocate of Catholic Emancipation, and for the repeal of the Test Act.

Here, again, Mr. Fox's ruling principle deserves the utmost consideration. If the Church of England were vulnerable in her doctrines, or in her discipline, maintaining her ascendancy, like the Romish Church, by the ignorance and darkness of her adherents, her security might, in some measure, depend upon the penal discouragement of dissent; but, when I reflect upon the unexampled wisdom of her original reformers, in all that they abolished, as well as in all that they preserved; when I consider the manifest foundations of her faith upon the sacred authorities of Scripture; the simplicity and beauty of her Liturgy, assimilated by time as well as by its own intrinsic excellence, to the feelings of the English people; when I advert to the general learning and morals of her ministers, and their usefulness throughout the country, I doubt with Mr. Fox, whether the restraints and disabilities originally set on foot for her protection, and which are now insensibly wearing away under the indulgent administration of our government, may not have been the nurses, if not the parents of Sectaries in every part of the kingdom — Their foundations were laid when there was much less toleration than at present,

and if the Church feels any serious alarm from their expansion, she should lend her hand to the discouragement of their communities, by inviting the Legislature to let the law pass over them without the very knowledge of their existence — So little of restraint is now left, that even if it were the sound principle of support to our ecclesiastical system, it would be utterly useless; whilst the exclusion from *civil* incorporations, bestows a kind of corporate character and perpetuity upon religious dissents, which would otherwise have a tendency to dissolution. These observations are, however, addressed only to the ministers of the *church*, and not to those of the *state* — the great body of dissenters are, I believe, fully sensible of the liberal disposition of the government towards them; as enlightened men, they know how to appreciate the difficulties which have attended the best wishes for them; and speaking, of course, of the great and well known bodies of Dissenting Protestants, I am happy in this occasion of expressing my perfect conviction of the fidelity of their civil allegiance, and the sincerity of their religious persuasions.

Mr. Fox's principle receives, however, a still more striking illustration from those who differ from me regarding them, and who falsely impute to them republican principles — They undoubtedly cherish the doctrines of civil liberty *with peculiar warmth and feeling*, the inevitable

consequence of any species of jealous disability or restraint; and on this account there are some who would be sorry to see that spirit destroyed, by breaking up their exclusions, and throwing them without distinction into the oblivious mass of the people.

The moral certainty of this obvious consequence deserves the utmost attention in the consideration of the Roman Catholic question. Educated myself in an almost superstitious repugnance to that religion, (though I have the highest opinion of, and the most sincere regard for very many of its members,) I found it difficult at first to bring up my mind to the administration of this *only specific for its gradual decline and extinction:* but I shall now never hesitate a moment for applying it; independently of all the other great principles so powerfully insisted upon by Fox in the volumes now before me; but I never can admit that there is any foundation whatsoever for emancipating their Spiritual Pastors from that dependence upon the civil government which is submitted to by our Protestant Bishops and Clergy, and even by Catholics themselves in the Catholic states.

In 1793, we find Mr. Fox equally conspicuous in support of the same principles, when in a season of great alarm, *new laws* were proposed for the punishment of sedition and of traitorous correspondence — nothing could be

more false or wicked than the calumnies of that day, which represented him as sheltering the disturbers of the public tranquillity — his object was quite the reverse — it was to remove the disturbances by the vigorous administration of our *ancient* laws, which he held to be sufficient for the emergency: it was to put to shame the falsehood of *French* principles, by holding up those of *England* in their undefiled, unsullied beauty, and to oppose a spirit of change and revolution, by changing nothing, *without urgent cause*, in our own venerable constitution.

This principle even strikingly distinguishes his speech, when in 1793, he supported a motion to reform it; and nothing certainly which the wit or wisdom of man ever prompted, illustrated its value with greater force or truth, than when he said, "*that if by a peculiar interposition of Divine Power, all the wisest men of every age and every country, could be collected into one assembly, he did not believe that their united wisdom would be capable of forming a tolerable constitution.*" — What rebuke could be greater to the ignorance and presumption which characterised the time he spoke in? What stronger pledge that his purpose was to preserve our own? A constitution, not constructed by assembled theorists, but growing up from natural and often accidental causes, through the lapse of many ages, to maturity; a constitution which, therefore, mocks and puts to

shame every *abstract, theoretical* reformer, and which can suffer no alteration but in conformity with the whole, and that only which the most obvious use and even necessity justifies. Mr. Fox's purpose, in his own words, was "*not to* "*pull down, but to work upon it, to examine* "*it with care and reverence, to repair it where* "*decayed, to amend it where defective, to prop* "*it where it wanted support, and to adapt it* "*to the purposes of the present time, as our* "*ancestors had done from generation to gene-* "*ration, always transmitting it, not only unim-* "*paired, but improved, to their posterity.*" *

Nothing can be more happily expressed than this short sentence, because it keeps in view what has ruined the cause of reform, when lost sight of — that our whole history, from its beginning, has been a perpetual and gradual system of reformation. If all who mixed themselves with this delicate and momentous subject, had held this sound and safe language, and had acted with good faith upon the principles so justly adopted and illustrated upon that occasion by Lord Grey, whose speech, both for wisdom and eloquence, was of the highest order, the cause of reform, in spight of all obstacles, would have become popular; but it received an almost deadly blow in the very outset from the

* See Vol. V. p. 109.

rashness of great numbers of mistaken people, who, instead of following in his well chosen path, sent forth from every part of the kingdom, such unprincipled, inflammatory, and ignorant reflections upon the other branches of the government, and indeed upon its whole frame and structure, as to alarm and disgust the great body of men of rank and property, without whose support no useful reformation in the government of any civilised nation can ever be brought about.

These few instances may furnish, I think, a sufficient clue for following Mr. Fox through the many other questions of *domestic* policy, which are the subjects of these volumes. In the debates regarding our *external* relations, in which the characters of great statesmen are more prominent and important, the reader will find everywhere the same principles; the same contempt for every system of artifice or violence, and the same reliance upon the effects of good will and plain dealing, of openness and kindness, which apply as universally, and as surely to the restoration of peace between contending nations, as they notoriously do to all differences between individual men.

In all the questions, therefore, regarding Ireland, whether they related to our connection with her when a distinct people under her own Parliament, or drawn into our bosom by the

union which has happily taken place, the same opinions illustrate and characterize Mr. Fox. He was an enemy to all artificial restraints when put in the scale against liberal intercourses — he thought with Mr. Burke, "that our affidavits and "our sufferances, our dockets and our clearances, "were not the great securities of our commerce;" that the earth was large enough for the full and overflowing prosperity of all nations; and that a partnership never could be thriving, which impoverished any branch of it.

We find him also, in the ripeness of his civil wisdom, strenuously opposing himself to the insane policy, which gave birth to the revolutionary war with America and to her United States — yet such is often the dominion of prejudice and error, even in the most enlightened communities, that I am old enough to remember the immortal orations of Burke upon that momentous subject, delivered to the almost empty benches of the House of Commons, filled only by her infatuated majorities when his warning voice had ceased: yet, now that time and events have pronounced their awful judgments, no man would hazard his character in the most private circle by supporting opinions, which, for a long time triumphed in Parliament, and enflamed the great body of this people, until one half of our empire was severed from the other. "So paltry a sum as three pence in "the eyes of a financier — so insignificant an

" article as tea, in the eyes of a philosopher, " shook the pillars of a commercial empire that " circled the whole globe."

Upon the same principle, Mr. Fox, had he been now living, would have rejoiced in the peace which has been recently made; he would have exerted all his eloquence to secure its continuance, and would have counselled the peremptory duty of forbearing from every topic of irritation, of rejecting a narrow system of policy regarding her, and of opening our parental arms to renew the feelings of confidence and affection, which " common names and kindred blood" might yet restore and perpetuate. England has declared by her Ministers in Parliament, that she claims no rights, but those which are common to all nations. Such rights cannot be doubtful, since what they are, the universal voice of nations must pronounce; and, in cases where their exercise may become harsh and inconvenient, HE will approve himself the best statesman and the truest friend of both countries, who shall devise the best means of putting at an endless distance every cause of strife.

Another conspicuous subject of Mr. Fox's eloquence, was the portentous phenomenon of the French Revolution; and on this mighty question of national interest, which, from its new and extraordinary nature, could not but produce strong differences of opinion between the best private friends, and amongst the most

honest and enlightened statesmen, it was my wish and my design to have been altogether silent, more especially as we are at this moment, I fear, in the very midst of the storm, and as I was besides, most anxious to avoid even the appearance of a wish to revive political controversy. In raising this humble, but affectionate monument to his memory, I felt that I ought not only to guard it from being defaced, but should invite it to be surrounded by honest and enlightened men of all parties and opinions; at the same time, when I came to consider how very important a part it formed of his public character, I found it indispensable to touch, though slightly and generally, upon this difficult, delicate, and complicated subject. — I shall, therefore, very shortly advert to his opinions, but without any argument in their support — they are already, indeed, matter of history; and as they cannot at all govern our present duties, under circumstances so very different, I shall leave them "without impatience, to the vicissitudes of "opinion, and the impartiality of a future "generation."

It was the constant theme, then, of Mr. Fox, as will appear over and over again throughout these volumes, that the true policy of this country regarding France at that period, independently of not interfering with the internal government of any nation, was to leave her to the good or evil of her own revolution — He

thought, whilst her desperate and distracted factions were balancing, and almost daily destroying one another, that whatever they might declare or publish, or however, in the frenzy of the moment, they might denounce the governments of surrounding nations, they had no power to enforce their threats; and that so far from there being any danger of France, so circumstanced, overpowering her neighbours by conquest, she was likely herself to sink in the storm she had raised. He was convinced, that if the states of Europe had acted upon this opinion, contenting themselves with taking security by prudent councils against the contagion of disorganising principles so much apprehended, husbanding their finances, and standing upon their guard against invasion by great military establishments, instead of invading France, she could not, upon any human calculation, have so suddenly extended her dominion over so many mighty nations. I purposely avoid all design of considering or questioning her aggressions at that period, or of disputing the justification of war against her, if it was prudent in that manner to wage it. To enter upon this would be raising the very spirit of controversy which I have disclaimed. I am only recording Mr. Fox's sentiments, and shall, therefore, content myself with the *fact*, that the Duke of Brunswick published his fatal manifesto, and invaded France. At that period, and under those circumstances, Mr. Fox, in

his letter to his constituents,* ridiculed the idea of her conquest, and he was justified by the event — By this ill-timed assault upon her territory, accompanied by the disgusting threat of utterly exterminating the principles and authors of the revolution, contending factions were annihilated by a common danger to all; the citizens of Paris who had been cutting one another's throats in the streets without knowing *wherefore*, knew *then*, to a man, that they must unite for their existence as a people; and the world exhibits no parallel to the exertions of France: she dug into the mansions of the dead for the fabric of her powder, and forged the irons which surrounded her churches and public edifices into weapons of war: the spirit which inspired her was not merely the spirit of freedom, always undaunted however misdirected, but was inflamed and elevated by terror and despair, when caught in the moment of disorganization by the numerous armies which surrounded her, proscribed as she was by the whole European world — It did not, in my opinion, require Mr. Fox's sagacity to predict the result of this unequal contest. — The nations of Europe *at that period*, whatever they might have had to *fear*, had then actually *suffered nothing* from the French revolution; so that whilst, on the one hand, the French armies, however undisciplined, were in fact *a people*

* See Appendix to Vol. IV.

in arms, the invading force was only brought up to the charge by the cold and lifeless principle of military discipline, without a national object, and by subjects rather disgusted with their own governments, than with the changes they had *only heard of* in France. Well, therefore, might Mr. Fox *on that occasion*, when the conquest of France was anticipated, exclaim against the feeble pencil of Cervantes — from the very course *then* pursued to conquer her, he conceived, she became *invulnerable;* because having no means left of existence as a nation, but by forming her population into a vast camp, and depending for her security upon military skill and exertion, she was not at all likely to be the victim of any combination amongst the old governments of Europe, jealous of one another, and not excited by a counteracting motive, of an equally projectile force.

When her government was thus established, no matter whether for good or for evil, and war had arisen from resisting it in its commencement, Mr. Fox still more strongly reprobated as a monstrous proposition, that she was incapable *in the pure abstract* of maintaining the usual relations of peace and amity. He admitted, of course, most distinctly, that Great Britain and all other powers were well justified in looking *to their own securities*, but he thought they should come at once to the de-

cision of the securities they required, and not have acted upon a declaration so vague and so unexampled.

To this policy, which he condemned as erroneous, Mr. Fox imputed the disasters which followed in his time — France, being thus put under the bann of an undefined proscription, a looser rein was undoubtedly given by it to to her impetuous and dangerous course; and in faithfully recording Mr. Fox's principles and opinions, it is impossible to refrain from saying, that for *a season at least* there was too much colour for her invasion of other nations. What other security had she for her own independence? Since not only no terms were offered to her, but she was even denied the privilege of offering any herself.

To the same policy we owe, perhaps, the arduous but justifiable contest now preparing against the military Ruler of France. No republican, nor any other free system of government, above all, commencing in the storm of a revolution, had any possible chance of a continuance amongst a people so circumstanced — a great military nation must be ruled by *a great military captain*, and Napoleon happening to return from Egypt at a most critical period, was invested with the consular dignity; a station which, however faithfully it might have been given or accepted as a *civil magistracy*, was

likely to end, as it did, in his becoming the *military Imperator*, whose purple he afterwards assumed.

But when this vague system of warfare was at last abandoned, when peace was offered upon the ordinary principles of security, when the treaty of Amiens was actually made, and when (without at all discussing the immediate causes or principles of its short continuance) Buonaparte more manifestly began to pursue the most audacious, unprincipled and unbounded system of ambition — when he conducted himself with such violence and injustice to Holland, that to use Mr. Fox's own words "*were he master of the* "*use of colours, and could paint with skill, he* "*would take the darkest to delineate his conduct:*" — when, to use his own words again, as to the oppression of Switzerland, from which, he said, "*by treaty as well as upon every principle of* "*justice, he was bound to withdraw his troops,—to* "*leave the country to itself, even under the mise-* "*rable government he had given it, and to re-* "*spect its independence; he nevertheless had* "*established a dominion utterly repugnant to the* "*principles and odious to the feelings of that* "*people:*" — when, afterwards, by a complicated system of fraud, treachery, and violence, he overran and butchered the Spanish nation, endeavouring, after ages of darkness, to vindicate and assert her own independence, and the

general cause of freedom: — when, to leave details which serve only to weaken the view of his odious and unprincipled plans of universal mischief, he became in his own person what it had been before absurd to predicate of a nation — the whole principle and character of the war was altered. Its *origin*, politicians might still continue to remove from themselves and cast it upon their opponents; but its *prosecution* was no longer matter of choice but of painful and cruel necessity. For a long and dreadful interval, France continued to be the proud, revengeful, and desolating assailant; whilst the surrounding nations, discomfited by their unsuccesful contest when they were in the *wrong*, had not yet acquired the just confidence which almost always belongs to those who are in the *right* — hence they were every where overthrown; and if, after the subjugation of so many kingdoms, and the defection of others from the confederacy, he had stopped short in his hostile career, when the independence of France and his own security had been asserted by his unparalelled exertions, his dynasty, whatever might have followed from it, would, in all probability, have been as well established as any other in Europe or in the world. — By his divorce from Josephine, and his marriage with Maria Louisa of Austria, he appeared for a while to have adopted this peaceful policy; but the restless and unprin-

cipled character of his mind betrayed him — he was an evil spirit at variance with the social spirit of the world, and persisted without due reflection in his pernicious course: — how else could he have hoped to enforce his Napoleon system, which demanded of all nations the surrender of every source of their prosperity? Men will submit to very evil systems of government, whilst they are left in possession of their property, and with the free and necessary intercourses of the world; but they will not consent to be starved by an arbitrary system of unmitigated restriction and exclusion, imposed upon them by a foreign force, directed to no object in which they have an interest, and of which they cannot but be the victims.

To this almost insane delusion, Europe owed the first dawnings of her deliverance. Sovereigns not absolutely subjugated could not possibly submit to it, and their ruined people would not long have endured their submission: their resistance enflamed the temper of a man till then, EXCEPT BY WELLINGTON IN SPAIN, not successfully resisted, and the grand and final catastrophe of Europe was decided upon: — but when France, now become lost to every idea of honor and freedom, had thus given herself up, without a pang, and even with a delirious exultation, to the dominion of one man, who, not contented with

her base and ignominious subjection, endeavoured to bend all the kingdoms of the earth to his dominion, imposing upon their subjects greater privations than they had ever felt under the most defective of their own establishments, nothing was then wanting but some highly favourable opportunity for overthrowing so intolerable and deeply-rooted a tyranny. — Such an occasion, however, might never have presented itself, and in my opinion never would; but from the seemingly predestinated infatuation of persisting in his odious system of proscription, *and of his total forgetfulness of times and seasons* in the execution of his gigantic projects: but when they failed at last, and the tide of war, impelled by the elements, pursued him in his retreat, it was the war of united, justified, indignant nations, and the avenging elements of heaven. — Sovereigns were *then* no longer unprincipled invaders at the head of reluctant armies, but patriot leaders of their insulted and injured people, repelling in their turn, like the French at the period of *her* revolution, an unprincipled invasion. The submission, therefore, of France to her conquerors at the gates of Paris, instead of lessening Mr. Fox's authority, in my opinion establishes and confirms it — On the very same principle that, *in his time*, France could not be successfully invaded by the nations of Europe, she could not *lately* resist their invasion; and I entertain no doubt at all that if

he had been then living, his sagacity would have predicted the event.

My reason for this last observation was only to vindicate the truth of his prediction that France was invulnerable, from the charge often made of its having turned out to be unfounded when she submitted to her invaders. For the truth, however, of my remark, nor for any reasonings of my own on which it was founded, *he* is in no way responsible—*his* memory must in no manner be implicated by opinions which he never delivered, and which could be built only upon events that he did not live to see—as little can I presume to support by his authority, the view I entertain of our present situation, on which, however, I cannot with safety be altogether silent, lest whilst from the warmth of friendship I have been illustrating Mr. Fox's principles, I might be supposed hereafter to have departed from my own.

None of his opinions, then, regarding the French Revolution, which I have referred to in my letter, in all of which I concurred with him in Parliament, *and still maintain inviolate*, have in my judgment, any bearing whatsoever upon our relations at this moment with France, nor can govern or affect the momentous question of peace or war. The *policy* of the one or the other, as most likely to promote in the end the

tranquillity of the world, it would be wholly beside my purpose to touch upon: How far the Emperor Napoleon, after having seen the ruinous consequences of his past misconduct, might not be as likely to preserve peace in Europe, as any other government, established by force of arms; — whether, supposing that expectation to be irrational and the Allies to be again at the gates of Paris, greater difficulties might not arise than even occurred before, in dealing with a nation of such vast power, extent, and population; — or whether, supposing the comparative safety of war to be obvious and unquestionable, great obstacles may not present themselves hereafter to its successful prosecution, from the internal state of our country, are momentous considerations which the proper forums must decide: — but these difficulties ought not to be increased by any doubt regarding *the principle* of the contest; because, supposing the Emperor Napoleon to be at this moment the universal choice of the French people, *of which there is no sufficient evidence*, Great Britain and her Allies would still have a justifiable cause of war against France.

No man can hold more sacred than I do, the right of every people to the government of their own choice, nor is prepared more constantly or more firmly to resist all interference by force with the internal concerns of AN UNOFFENDING NATION; but no writer upon public law has

ever denied or doubted, that states are justified in combining to resist aggressions, and in taking security against their recurrence, by hostile invasion and conquest — this was precisely the late condition of the combined powers of Europe with regard to France — after repelling her from their invaded territories, they followed her into her own, and hostilities were closed by a treaty under the walls of her capital, when they might have dissolved her government by the sword.

Whatever opinions divided us in other periods of the war, it is surely now too late to deny, that to this confederacy our country became a legitimate party — indeed, the whole pressure upon the states of Europe, which they combined to resist, was only that *we* might be wounded through *their* sides — the Napoleon system, as it affected *their* commerce, was of no value to its author, but as it might involve the destruction of *ours* — On that clear, national interest, our accession to the confederacy was supported in parliament; the most alarming demands upon our finances were upon no other principle submitted to; and when the great object of it was apparently accomplished, the victorious sovereigns, and the great men employed in their service, were received amongst us with an enthusiasm, which, if we had not

been deeply interested in their achievements, would have been the height of folly, and, if not sanctioned by the justice of their cause, would have been a national degradation.

They had not achieved (though it was in their power) a sanguinary conquest; but, to avert the destruction of property and the shedding of innocent blood, had proposed, in the language of the Emperor Alexander, to acknowledge, and even to guarantee *any government* which should be the choice of the French people, *with the exception only of the Author of so many evils and calamities, and all the members of his family*: — subject to that exception, they invited the constituted authorities, which had been *appointed by himself*, to form a provisional government, and to prepare a constitution the most advantageous for France.

Under these circumstances, their right to stipulate such terms cannot possibly be denied; they were warranted upon every principle of public law, nor can their justice or moderation be disputed; — but, what ends all question concerning them, they were accepted and acted upon by all who could be considered the representatives of the nation. The Municipal Council of Paris, in answer to the Emperor Alexander's declaration, after the preface of a furious

anathema against Napoleon, *with a detailed catalogue of his enormities, and of the miseries they had brought upon their country*, declared unanimously, that they formally renounced all obedience to him, and expressed their ardent wish that the French monarchy should be re-established in the person of Louis the 18th, and his lawful successors.

The Conservative Senate followed immediately in the steps of the Municipal Council, and whoever refers to it, as well as to the former, will find the denunciation of a greater aggregate of crime, and of just forfeiture of all trust or confidence, than could be collected from the lives of all the tyrants ever existing upon earth; — they then declared that he had forfeited the throne, that the hereditary right established in his family was abolished, and the French people and their armies relieved from the oaths of fidelity they had sworn to him.

The Provisional Government soon afterwards adopted the same course, by the publication of an address to the French armies, concluding in these emphatical words: "*You are no longer the soldiers of Napoleon, the Senate and all France relieve you from your oaths.*"

To these solemn acts of exclusion, Napoleon soon afterwards became a party; and for him-

self and his heirs formally renounced the thrones of France and Italy.

These acts of all the French authorities even *now*, with a few exceptions, representing the French nation by Napoleon's own consent, deserve the utmost consideration. If their public declarations just referred to had been founded, like the Emperor's own act of abdication, upon the mere pressure of *necessity*; — if, after expressing their affection for his person, their duty to his sovereignty, and their deep regret at the surrender of its advantages, (a preamble to which the Allied Powers, if they attained their object, could have framed no reasonable objection); — if after such a preamble they had then submitted to his exclusion for the great object of national safety, they might *now* have had some foundation for telling other nations, that they embraced him again on his return as the *constant object of their choice*, and that the principle of his exclusion was unjust; — they might now, with some countenance, have denied the dangerous principles imputed to him by other governments, and have insisted upon the still greater injustice of again combining to dethrone him, under the new circumstances which had taken place. — But whoever peruses the documents by which they (*the French people*), proceeded to exclude Napoleon from the throne, will there find (and they ought

to be read by every man in Europe and in the world*), that France now proclaims her determination, *against her own national treaty*, to be ruled by a man whose government *she herself* in the great public acts by which she destroyed it, had solemnly declared to have been utterly incompatible with her own liberties, *and with the security of all other states.*

I may, perhaps, be excused as a lawyer for a comparison of this claim of a nation with the utmost extent of private right, under the freest system of law — A man may keep in England any kind of animal he pleases for his own use or amusement, and if impleaded on the charge of his being mischievous, may defend himself by proving it to be false; — but no judge or jury would sit to hear his evidence, if *he himself* had written and published, and placarded the very walls of the court with a declaration, that his favorite had bitten all his neighbours, and that he verily believed him to be mad.

It is not, therefore, necessary to have recourse to the proclamation of the allies for a justification of renewed hostility — it is to be found in these proceedings of France — *She*

* They may be all seen in the appendix to a most able pamphlet, addressed as a letter to Lord Erskine, "On the "present situation of France and Europe; accompanied by "official documents." Printed for Murray, Albemarle Street.

herself has proclaimed to the universe, in the most public acts of her government, *that there was no trust or confidence to be reposed in her Chief.*

This was the true principle of the original convention which demanded his exclusion:— the evils which Europe had suffered from his dominion *were in my opinion, its only justification* — nations whose securities are not *clearly and essentially* affected by revolutions in other governments, have no right whatever to make them the foundations of war, or to overthrow them by conquest — the ministers of this country who made war upon France in 1793, professed no such principle: — Lord Grenville would, I am persuaded, disavow it. They justified the contest upon *their assumption*, that our own safety, and that of all Europe, was *at that period* deeply affected by the French revolution — *a proposition of fact, which was denied by* Mr. Fox.

It is no answer to say, that all these acts of the French authorities, and the abdication of Napoleon, were acts of compulsion and necessity — undoubtedly they were — but does not that very view of it replace the allies in their original position also? When a ship strikes her colours, is it not equally an act of necessity and compulsion? — but if she hoists them again *after faith given to her submission*, by the laws

of war she may be sunk. This is precisely the condition at this moment of the allied Sovereigns who invaded France — the very soul of the convention was the exclusion of Napoleon and his family from the throne — with their swords in their hands they would accept no other terms for their security; and the terms were agreed to. — How, then, can it possibly be contended, that his return to Paris, because *unresisted by those who were bound by their solemn engagement to resist him* entitles France to remain unquestioned under his dominion, in violation and contempt of a treaty by which her conquest had been averted? Such a doctrine would be obviously subversive of the law of nations: — but on the other hand, this clear principle of the confederacy, *though the most unbounded success should attend it*, ought not to be overstepped: — the securities demanded for Europe should not be *ideal, or arbitrary*, but be supported by *facts and experience*; — the independence of France must not be struck at, nor the opinions of her people disregarded *when compatible with the peace of the world.*

It is impossible to close this review of Mr. Fox's parliamentary exertions, without adverting to the object of his very last motion in the House of Commons; — an object for which he had laboured with many eminent men of all political parties and opinions, for nearly

twenty years — its accomplishment which followed but a few months afterwards, would have raised our country, even if she had no other illustration, to stand unrivalled amongst nations, and to look up to God Himself to pronounce — "Well done thou good and faithful servant" — the ABOLITION OF THE SLAVE TRADE leaves every other triumph of humanity and justice almost out of sight behind it, and well entitled Mr. Fox to declare, "*that if, during the forty* "*years he had sat in parliament, he had been* "*so fortunate as to accomplish that object, and* "THAT ONLY, *he should think he had done* "ENOUGH, *and could retire from public life with* "*the conscious satisfaction that he had done his* "*duty.*"

One short sentence more belongs imperiously to this subject — the name of WILBERFORCE cannot be separated from it — it is of the utmost importance to mankind perpetually to remember, that immortal honor and reputation are the sure rewards of those by whose virtuous, patient, unconquerable perseverance, the blessed cause of universal freedom has been advanced, and the lingering progression of the world urged on in its slow and mysterious course.

Being now brought to the conclusion of my letter, and running it over *(too hastily I fear)*

before I could venture to comply with your request that it should be published, I cannot but look back as to the happiest and most honorable circumstance of my life, that I thought and acted with Mr. Fox, through so considerable a part of his time, and that now, in my retirement from the world, (for so I have considered it since my professional course has been closed for ever), I have had the opportunity of thus publicly expressing my veneration for his memory — When I followed him to the grave, I was unable from sorrow to support with decent firmness the high place which my station at that period assigned me in the mournful procession, and even now, when thus engaged in the review of his splendid and illustrious career, I cannot but feel the most affectionate and painful regret: — seeking a kind of consolation with his numerous friends, from his being in a manner still living in the Representative of his Family. Lord Holland's personal resemblance has strikingly increased as his age has been advancing to the period of Mr. Fox's meridian — in private life we find in him the same popular manners, arising from the frankness and simplicity of his character, — the like rare union of ardour and gentleness — that singular cast of mind, stimulated as it were by a never-ceasing and fervent interest in every possible subject connected with public spirit or private justice; and in parliament we see

him, like Fox, the honest advocate for universal but well-balanced liberty, and distinguished, like him, by a bold, manly, vigorous, and impetuous eloquence.

I am, Sir,

Your obedient Servant,

ERSKINE.

To

Mr. J. Wright,

Panton Square.

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SPEECHES

OF THE

RIGHT HONOURABLE

CHARLES JAMES FOX,

&c. &c.

MR. FOX took his seat in the House of Commons at the opening of the first session of the thirteenth Parliament of Great Britain, which met on the 10th of May, 1768. He was returned for Midhurst, in Sussex, a family borough, and was introduced into Parliament when he was little more than 19 years of age, and consequently ineligible.

MIDDLESEX ELECTION.

January 9. 1770.*

THE first speech made by Mr. Fox in the House of Commons, of which any account has been preserved, took place at the opening of the Session on the 9th of January 1770. In the course

* The following is a List of the Administration at this time:—

First Lord of the Treasury and Chancellor of the Exchequer — Lord North.
Secretaries of State — Viscount Weymouth, Earl of Rochford, Earl of Hillsborough (Colonies).
Lord Chancellor — Lord Camden. Succeeded, Jan. 17. 1770, by the Hon. Charles Yorke, created Lord Morden, but died on the following day, before the seals were put to the patent of peerage. Upon this, the great seal was put into commission, until the 23d of Jan. 1771, when Lord Apsley was appointed Lord Chancellor.
Lord President of the Council — Earl Gower.
Lord Privy Seal — Earl of Halifax.
First Lord of the Admiralty — Sir Edward Hawke, K. B.
Secretary at War — Lord Barrington.
Paymaster-General of the Forces — Right Hon. Richard Rigby.

of the debate on the King's Speech, Sir George Savile, in allusion to the decision with regard to the Middlesex Election, accused the House of having betrayed the rights of the people. Upon this, Sir Alexander Gilmour rose up in great anger, and urged, that in times of less licentiousness, members had been sent to the Tower for words of less offence. Sir George Savile repeated the offensive words. "Let others," said he, "fall down and worship the golden image which Nebuchadnezzar has set up; I will own no superior but the laws, nor will I bow the knee to any but Him who made me." Sir George was defended by Mr. Serjeant Glynn. Mr. Burke spoke on the same side, and challenged the ministry to punish Sir George, if he was a delinquent. He said, the people abhorred the present ministry, and asked the Speaker if he did not feel the chair tremble under him. Sir William Meredith observed, that one part of the Address, namely, thanking the King for his approbation of the conduct of the House, would be construed without doors, that His Majesty approved of the resolutions of the House in respect to the Middlesex Election.

Mr. Fox observed, that from the licence gentlemen had taken in their language that day, it seemed as if the old decent freedom of debate was at an end, and that they were endeavouring to establish new forms. The expression in the Address did not allude to any particular measure of Parliament, nor to every measure; as no one could suppose His Majesty approved of every resolution taken by the House, but only of the general tenor of their actions.

Bill for disqualifying certain Revenue Officers from voting for Members of Parliament.

February 12. 1770.*

In a committee on the state of the nation, Mr. Dowdeswell moved, "That a bill might be brought in for disqualifying certain Officers in the Revenues from voting for Members of Parliament." In the course of the debate, the Lord Mayor, Mr. Al-

Treasurer of the Navy — Sir Gilbert Elliot.

Attorney-General — William De Grey, afterwards Lord Walsingham. Succeeded, Jan. 23. 1771, by Edward Thurlow, Esq. afterwards Lord Thurlow.

Solicitor-General — Joseph Dunning, Esq. Succeeded in March 1770 by Edward Thurlow, Esq.; who was also succeeded, Jan. 23. 1771, by Alexander Wedderburn, Esq., afterwards Lord Loughborough.

* On the 13th of February 1770. Mr. Fox was appointed one of the Lords of the Admiralty.

derman Beckford, advised Mr. Rigby to recollect, that the Revolution was brought about by the removal of Judges at pleasure; and that a great law officer, the Solicitor General, (Mr. Dunning,) had been just removed for his vote in that House.

Mr. Fox said:—I am against the motion. Correct abuses and welcome; but do not correct one abuse, by causing many. Remedy the influence of the peers at elections: that is the fatal influence of the crown. As to the removal of the law officer alluded to, it was the saying of a great minister, that he who would not remove a man that was undermining administration "was a pitiful fellow." An honourable gentleman has talked about removing the Judges, as an unconstitutional and arbitrary measure. But it is a pity he did not consider the difference between Judges and a Chancellor; the Judges are in neither House, therefore they cannot influence nor undermine; a Chancellor may do both: the Chancellor may equitably and constitutionally be removed: the Judges cannot.

Mr. Serjeant Glynn's Motion for a Committee to enquire into the Administration of Criminal Justice, and the Proceedings of the Judges in Westminster Hall, in Cases relating to the Liberty of the Press, and the Power and Duties of Juries.

December 6. 1770.

MR. SERJEANT GLYNN moved, "That a Committee be appointed to enquire into the Administration of Criminal Justice, and the Proceedings of the Judges in Westminster Hall, particularly in Cases relating to the Liberty of the Press, and the Constitutional Power and Duties of Juries." Mr. Alderman Oliver seconded the motion, and expressed his desire, that the committee should have for a particular object of its enquiry, the conduct of the chief delinquent, whom he believed to be Lord Chief Justice Mansfield. A great display of legal knowledge was made by the learned mover, and by Mr. Dunning, in support of the motion. Mr. Serjeant Glynn affirmed, that a general belief prevailed of the Judges being unfriendly to juries, encroaching on their constitutional power, and laying down false law in order to mislead them in their verdicts. Sir George Savile defended the motion warmly. "If you reject it," said he, "it will render you not only odious, but despicable. You will be thought possessed of no faith, no honour, no conscience. Your name will become the ridicule and laughing-

stock of the rabble. The House will be exposed in songs, and ballads, and ditties, in every street: '*Flebit et insignis tota cantabitur urbe.*' The authorlings and printers and printers' devils, will be all in motion. The press will labour and groan. Newspapers, pamphlets, puns, and pasquinades, will increase and multiply. Grub-street will pour out its thousands, and Paternoster-row its tens of thousands; and the land will be one scene of anarchy and confusion." The arguments in favour of the motion were combatted by Mr. Attorney-General De Grey, and Sir Gilbert Elliot; and Lord Mansfield's character was strenuously defended by Lord Clare and Mr. Jenkinson. Mr. Burke and Mr. Wedderburn, while they supported the motion, disclaimed and reprobated all those asperities of diction which had been used in speaking of the Lord Chief Justice, and paid a tribute of applause to his extraordinary talents and conspicuous integrity.

Mr. Fox spoke as follows:

Sir, we are told by the abettors of this motion, that jealousies, murmurs, and discontents increase and multiply throughout the nation; that the people are under terrible apprehensions that the law is perverted, that juries are deprived of their constitutional powers, that the courts of justice are not sound and untainted; in a word, that the Judges have, like a dozen of monstrous Patagonian giants, either swallowed, or are going to swallow up both law and gospel. And how do they prove the truth of these allegations? The manner, Sir, is pleasant enough. They refer us to their own libellous remonstrances, and to those infamous lampoons and satires, which they have taken care to write and circulate. They modestly substitute themselves in the place of the nation, and call their own complaints and grievances the complaints and grievances of England. Their meaning is plain enough, and we understand perfectly how all their grievances might be redressed.

For my part, Sir, I am not disposed to take the voice of a miserable faction for the voice of my country. Were the people really dissatisfied, I should be glad to know how I am to ascertain the reality of that dissatisfaction? I must freely confess that I know no other way but that of consulting this House. Here the people are represented, and here is their voice expressed. There is no other criterion but the majority of this assembly, by which we can judge of their sentiments. This man, in order to answer one purpose, and that man, in order to answer another, will tell you, that a general cry has gone abroad against certain men and certain measures: but will you be so credulous as to take him upon his word, when you can easily penetrate his interested views, and find him the original and primé mover of all the clamour?

Sir, I could easily trace the authors of the outcry raised against the Judges; and I would point them out, had not they, as well as their selfish ends, been already exposed in all their deformity. Why, then, should we hesitate to put a negative upon a question, which sprang from such a low source? From dirt it came, and to dirt let it return. As to myself, I certainly shall vote against the motion, as I can never acknowledge for the voice of the nation what is not echoed by the majority of this House; and I do not find that the majority of us entertain any suspicions, much less terrible apprehensions, of the Judges; though, if there were any just foundation for complaint, we must certainly have been better informed of it than the people.

Indeed, Sir, if the adoption of this inquiry would answer any good purpose, I should not be such a violent opposer of it, convinced as I am that the Judges are blameless. But I am fully persuaded that would not be the case. For, as I have shewn, it would be an attempt to remove discontents which do not exist but among those who have generated, fostered, and reared them up to their present magnitude, and who would not, therefore, be satisfied, though justice, though Astrea herself, should descend naked from heaven to exculpate our Judges. And, what is more, it would, on their own principles, prove fruitless and nugatory, even if we suppose the people to be really discontented. For what have they been doing for these two last years, but ringing constantly in our ears the contempt in which we are held by the people? Have not they made these walls incessantly echo with the terms of reproach, which they alledged were cast upon us by men of every degree, by high and low, rich and poor, learned and unlearned? Were we not, and are we not still, according to their account, held in universal detestation and abhorrence? Does not the whole empire, from one end to the other, reckon us equally weak and wicked? In a word, are we not become an abomination in the land? Such is the language of the minority. How then can they, with a serious face, desire us to undertake this enquiry, in order to satisfy the people? The people, if their former assertions are to be credited, will receive no good at our hands. They will regard what we say no more than the prattle of a knot of coffee-house politicians. We are too ridiculous as well as odious to do any thing that will appear gracious in their eyes.

What, Sir, is the conclusion to be drawn? Why, this. Let us satisfy ourselves. Let us act according to the dictates of honour and conscience, and be at peace with our own minds. It is thus that we shall sooner or later regain the confidence of

our constituents, if we have lost it; and not by humouring, as foolish nurses humour great lubberly boys, the wayward whims of a misled multitude. The characteristic of this House should be a firm and manly steadiness, an unshaken perseverance in the pursuit of great and noble plans of general utility, and not a wavering inconstant fluctuation of councils, regulated by the shifting of the popular breeze. If we are not to judge for ourselves, but to be ever at the command of the vulgar and their capricious shouts and hisses, I cannot see what advantage the nation will reap from a representative body, which they might not have reaped from a tumultuous assembly of themselves, collected at random on Salisbury-plain or Runnymede. And it is very well known, Sir, that such an irregular and riotous crowd are but ill-qualified to judge truly of their own interest, or to pursue it, even when they form a right judgment. They are but very unsteady guardians of liberty and property. Do you want proofs? Consult the English history, and you will find them in every page.

Mr. Serjeant Glynn's motion was negatived upon a division; YEAS 76. —— NOES 184.

BILL TO REPEAL A CLAUSE IN THE NULLUM TEMPUS ACT.

February 27. 1771.

THE Nullum Tempus Bill, or the act for quieting the possessions of the subject against all pretences of concealment whatsoever, which was first brought into the House of Commons, by Sir George Savile in 1768, and passed in the following year, owed its rise to a grant from the Treasury to Sir James Lowther, of a considerable estate and very extensive royalties, which had been granted by King William to the Portland family, and had been in their possession from that time. A clause had been inserted in that act, by which the grantees or lessees of the crown were allowed a year from its taking place, for the prosecution of their claims; and though that Bill had been brought in and supported by the Duke of Portland's friends, and his particular case had shewn the necessity and was the origin of it, no opposition was made to the clause in question. The general opinion, indeed, at that time seems to have been, that the matter in contest had been only thrown out to answer certain election purposes, which, being now over, it would no more be thought of; especially as the principle, upon which such claims were founded, had been just condemned, in the most public manner, by an united act of the

whole legislature. However plausible these opinions were, the consequence shewed they were ill-founded. A most expensive suit was not only commenced against the Duke of Portland, but the whole county of Cumberland was thrown into a state of the greatest terror and confusion: 400 ejectments were served in one day; and though a great many of the causes were afterwards withdrawn, it was notwithstanding said, some time before the matter was debated in the House of Commons, that there were fifteen bills in equity, and 225 suits at common law, then open. Nor were these mischiefs confined to those whose titles to their lands were immediately derived from the Portland family; for as the royalties were very extensive, and their antient limits and jurisdiction undefined, no length of prescription could afford security, nor goodness of title prevent the consequences of a ruinous law-suit. In these circumstances, singled out by that clause from the rest of the nation, and exposed as victims to satiate the last rage of exploded prerogative, the terror was great through all that part of the kingdom. Accordingly, on the 11th of February 1771, Sir William Meredith moved for leave "to bring in a Bill to repeal a Clause in the Nullum Tempus Act, which protects such Rights, Titles, or Claims, under any Grants or Letters Patent from the Crown, as are prosecuted with effect, within a certain Time therein limited." Leave was accordingly given, and the bill was brought in. It was supported by Mr. Constantine Phipps and Mr. Cornwall; and opposed by Mr. Dyson, Mr. Serjeant Leigh, Lord North, Governor Johnstone, and Mr. Fox. On the 27th, upon the motion for going into a Committee,

Mr. Fox said:

Sir, I take great shame to myself, that I have not risen sooner to declare my sentiments on this important question: for I think it disgraceful in any man to sit silent on such an occasion, who ever had the use or faculty of speaking in this House; but, Sir, my silence has been owing to my astonishment. I was astonished. I was amazed. For though I viewed this Bill at first in the same light in which I now behold it; yet, when I looked round me, and saw who the Honourable Gentlemen are who introduced it; that they are men of character, men of ability, men of knowledge, men of reputed integrity; I hesitated, I strove to persuade myself, that I must rather be mistaken myself, than that any thing so bad, so violent, so lawless, so monstrous, could be advanced by men such as those who proposed this Bill. But I could not long remain undecided; I soon beheld the proposition in all its naked, genuine deformity: then, Sir, as I was at first struck dumb with astonishment, I was seized with horror and indignation: for who that has a reverence for justice, a sense of liberty, or a regard for the constitution, can listen, without feeling an honest zeal to defeat a proposition, which, at one

blow, destroys our constitution, our liberty, and our laws? Gentlemen are loud in their clamours against ministerial influence. I avow the systematic support of that minister in all his measures, who has my good opinion and confidence; but that minister shall never have my support, who shall dare to propose what these gentlemen, who are so proud of their opposition to ministers, now propose.

Mr. Speaker, it is under the law that every man holds his property, and enjoys his liberty in security and ease. But I firmly believe, as far as I am informed, that no man can have a better title to his estate, than the very title which the crown has vested in Sir James Lowther to the estate in question. If that title is to be taken away by act of Parliament, why not bring in an act to take away any other part of his estate? Why not of another man's? For, if Bills are thus to pass for transferring the property of one man to another, there can be nothing sacred, nothing secure amongst us. I wish, therefore, Sir, that the gentlemen who brought in this Bill, would, for their honour's sake, withdraw it. Sure I am, that my conscience would never suffer me to be at rest, were I to perpetrate the injustice intended by this Bill. As to myself, Sir, the same conviction, which dictates my present opposition, shall carry me on to oppose the Bill in every step, through every stage. But if it should succeed here, it cannot succeed elsewhere. I do therefore again deprecate the honour and justice of this House, that we may not suffer the scandal of passing this Bill to lie at our doors, and give the honour of rejecting it to the other House of Parliament.

The question, "That the Speaker do now leave the chair," being put, the House divided:

	Tellers.			*Tellers.*	
YEAS	Mr. Seymour Mr. Byng	154.	NOES	Mr. Onslow Mr. Charles Fox	164.

The Bill was consequently lost.

DEBATE ON COMMITTING THE LORD MAYOR AND MR. ALDERMAN OLIVER TO THE TOWER, FOR DISCHARGING THE PRINTERS APPREHENDED BY ORDER OF THE HOUSE.

March 25. 1771.

ON the 8th of February, Colonel George Onslow made a complaint to the House, of Thompson and Wheble, two printers of newspapers, for misrepresenting the speeches, and reflecting on

several of the members. The obnoxious passages being read, Colonel Onslow moved, that the printers should be called to justice for infringing the standing order. After some debate, the printers were ordered to attend. When the Serjeant at Arms went to the houses of the printers, they were constantly denied; which being reported to the House, Colonel Onslow moved an address to the King to issue a proclamation for the apprehension of the offenders. In consequence of which proclamation, Wheble was taken and carried before Alderman Wilkes, who not only discharged him, but took recognizances for prosecuting the person by whom he was apprehended. Thompson was similarly arrested, and discharged by Alderman Oliver.

On the 12th of March, Colonel Onslow preferred a fresh complaint against six other printers for the same offence. They were ordered to attend the House: four presented themselves; a fifth could not attend, being in custody in Newgate, by order of the House of Lords; the other, whose name was Miller, refused to obey the summons, and an order was issued for taking him into custody by the Serjeant at Arms. When the messenger appeared, Miller refused to submit to the arrest, and violence being used, a constable, prepared for the purpose, took charge of the officer, and carried him to Guildhall, to answer for the assault. Mr. Wilkes, the sitting alderman, having finished the business of the day, refused to take cognizance of the affair, and the parties were conducted to the Mansion-House. The Lord Mayor (Alderman Brass Crosby), attended by Aldermen Wilkes and Oliver, admitted the parties; Mr. Miller made his complaint, and the Lord Mayor asked the messenger what offence the printer had committed, and by what authoriry he presumed to assault him? The messenger pleaded, that he acted under the direction of the Speaker, and produced his warrant, The Deputy-Serjeant now announced himself, and said he came there by the Speaker's command, to demand, not only the messenger, but Miller, his prisoner. His application was refused, and Mr. Miller discharged. The assault was next proved: the messenger refused to give bail, and a warrant for committing him to the Compter was signed by the Lord Mayor and the two Aldermen. When the matter had proceeded to this extremity, and the officers were ready to take away the messenger, bail was given.

The Deputy Serjeant at Arms immediately related these transactions to the House. Orders were issued for the Lord Mayor and Alderman Oliver to attend in their places. The Lord Mayor was heard in his defence; after which it was resolved, that the discharging Miller out of the custody of the messenger, the signing a warrant against the said messenger, and the holding him to bail, were breaches of the privileges of the House. Mr. Alderman Oliver was then heard in his defence. He declared that "he owned and gloried in the fact laid to his charge; he knew, that whatever punishment was intended, nothing he could say would avert it. As for himself, he was perfectly unconcerned; and, as he expected little from their justice, he defied their power." Upon this,

Mr. Welbore Ellis moved, "That Richard Oliver, Esq. be for his said offence committed to the Tower." The motion was supported by Mr. Attorney-General Thurlow and Mr. Fox; and opposed by Sir George Savile, Mr. Serjeant Glynn, Mr. Alderman Townshend, Mr. Barré, and Mr. Dunning. Mr. Fox spoke in answer to the latter gentleman.

Mr. Fox said:

Sir, notwithstanding what the Honourable and Learned Gentleman who spoke last has been pleased to urge with regard to the divided views and the divided interests of the House of Commons and the people, he has not been able to convince me, either that the authority of this House is not the best security of the national freedom, or that our welfare can possibly be separated from the welfare of the public.

Sir, the Honourable Gentleman is pleased to say, that the voice of this House is not the voice of the people, and he sets the language of clamour without doors in opposition to our deliberations, as if we were not especially appointed by the constitution, the only revealers of the national mind, the only judges of what ought to be the sentiments of the kingdom. I say, Sir, what ought to be, because many laws are highly necessary for the public safety, which excite the discontent of the people. If we were never to pass a law, until it obtained the sanction of popular approbation, we should never have a settled revenue to support either the establishment of our domestic policy, or to defend ourselves against the invasion of a foreign enemy. You never see a tax instituted, Sir, without hearing loud impeachments of parliamentary integrity. The uninformed zealots, who seem animated with an enthusiastic love for their country, generally charge us with having sold them to the minister; and we are accused of venality for imposing those burdens, which we know to be absolutely necessary, and to which we ourselves, if the House of Commons is supposed an assembly of the first property in the state, must always be the largest contributors.

Sir, it may possibly appear strange, that a representative of the people should not deem it more meritorious to comply with the wishes of his constituents, than to counteract them; and it may possibly be urged, that it is his duty, upon all occasions, to act in conformity to those wishes, however repugnant they may be to the sense of his own conviction. Sir, I will not differ with the Honourable and Learned Gentleman about the idea he annexes to his term of 'the people;' I will, for argument-sake, allow that nine-tenths of the people are at this moment in opposition to government. But I shall at the same time insist, that we have higher obligations to

justice than to our constituents; we are chosen the delegates of the British electors for salutary not for pernicious purposes; to guard, not to invade the constitution; to keep the privileges of the very freemen we represent, as much within their proper limits, as to controul any unwarrantable exertion of the Royal authority. We are bound to promote their true interests in preference to the dearest desires of their hearts, and the constitution makes us the sole arbiters of those interests, notwithstanding the imaginary infallibility of the people.

To shew, Sir, the propriety of this reasoning, let us suppose that the people, instead of this mixed monarchy, which we celebrate as equally the pride and envy of the universe, should instruct us, their representatives, to introduce a democratical form of government; should we act as good subjects to our King, or as faithful guardians to our country, if we complied with so dangerous an instruction? We have sworn to maintain this constitution in its present form; to maintain the privileges of Parliament as a necessary part of that constitution, and neither to encroach upon the legal jurisdiction of the peers, nor the just prerogatives of the Sovereign. Shall we, then, do what we are sensible is wrong, because the people desire it? Shall we sacrifice our reason, our honour, our conscience, for fear of incurring the popular resentment, and while we are appointed to watch the Hesperian fruit of liberty with a dragon's eye, be ourselves the only slaves of the whole community?

Perhaps the Honourable and Learned Gentleman will tell me, that nothing but the "soul of absurdity" could suspect the people of a design against their own happiness. Sir, I do not suspect the people of any such design, but I suspect their capacity to judge of their true happiness. I know they are generally credulous, generally uninformed; captivated by appearances, while they neglect the most important essentials, and always ridiculously ready to believe, that those men who have the greatest reason, from their extensive property, to be anxious for the public safety, are always concerting measures for the oppression of their own posterity. Sir, if I misrepresent the people, whence spring those eternal terrors of being ruined in the midst of the most unbounded prosperity? Have we not tottered, if popular clamour is to be credited, upon the verge of ruin, since the first moment of our existence as a nation? Indeed, at the period of the Revolution, patriotism itself acknowledges we were saved; yet from that period let us only read the works of our greatest politicians, and we shall find ourselves utterly undone! Even our glorious deliverer was

scarcely seated upon the throne, when the grateful people, whose liberties he had restored, began to consider him as an enemy to the constitution. In every succeeding reign it was asserted that we were destroyed, and at this moment, although exulting in all the pride of a felicity never known to our ancestors, we are gravely told, that we have reached the deepest abyss of destruction!

Let us look around, Sir, let us survey the monuments of our ruin, and then ask what credit is due to the representations of our political screech-owls? Observe the magnificence of our metropolis—the extent of our empire—the immensity of our commerce—the opulence of our people. Survey the unfortunate citizens of London, Sir, and you will find every shopkeeper of any consideration, with his elegant villa, and his variety of equipages. Consider only the present opposition of the city of London to the whole body of the British legislature, and then judge how it must be oppressed! To shew you farther the *ruined* state of the kingdom, let me remind you that our territories occupy *no more* than the largest, the most valuable space of any European dominion in the four quarters of the globe; that our trade is proportioned to this superiority of empire, and that our subjects, from the burning regions of Indostan, to the chilling mountains of Canada, exceed the subjects of every other power in greatness of wealth, and certainty of freedom. These, Sir, are the proofs of our *declining* fortune! May our calamities of this kind hourly increase, though the people should still continue to murmur! and may we always remain the happiest nation under heaven, however offended our patriots may be because we are not happier than is consistent with the lot of humanity!

From what I have advanced, Sir, with respect to our duty as representatives of the people, it naturally follows, that we are by no means to act against our own judgment merely to gratify their ill humour or their caprice. In Charles the First's time, the unlimited indulgence of the popular wish occasioned the destruction of the constitution; and, if the present allegations of popularity deserve the least weight, they shew what incompetent judges the people are of the public prosperity. The last Parliament, Sir, was as obnoxious to the people, as the one in which we are now sitting: they approved what it is fashionable to term an 'infamous' peace, and they expelled a profligate libeller of their lawful Sovereign; yet, with all this weight of delinquency upon their heads—reviled and execrated as they were by the people—look round, and see who the people have chosen in their

room. If we except deaths and promotions, Sir, are not the former *traitors*, nearly to a man, again the representative body of the legislature — again trusted with the freedom of the subject — again the express election of the people? When we behold these things, Sir, we are immediately struck with this alternative — either the people are not judges of their own welfare, or they have sold themselves for an infamous price, to their members. In either case, the conclusion proves the little regard which ought to be paid to their complaints, against the sense of our conviction. If they are virtuous, they are not wise; and if they possess wisdom, they have no right to find fault, since every oppression they groan under is the natural result of their own scandalous dishonesty.

It is urged, Sir, with great gravity, by many gentlemen in opposition, that the House of Commons, as the creatures of the people, have no right whatever to exercise an authority over their constituents. This position, Sir, breathes the spirit of freedom with a vengeance, for it lays the axe to the root of all subordination at once, and puts an entire end to the whole system of constitutional government.

No doctrine, Sir, was ever yet broached in this kingdom, either so dangerous, or so ridiculous, as that which seriously insists that the House of Commons, because elected, is without jurisdiction, and that the people, because the origin of all power, must therefore be exempt from all obedience. The people make the laws, as well as the legislators; but will any advocate of licentiousness presume to say, because they are the fountain of authority, that they are of consequence discharged from a submission to legal institutions? The law, Sir, is as much the creature of their formation as this House; yet, surely, it will not be said, that they are to tread it under foot, or to launch out into the barbarisms of their natural state, after solemnly forming a compact of civil society.

The only point, therefore, remaining to be discussed is, Whether the people at large, or this House, are the best judges of the public welfare? For my own part, Sir, I shall not hesitate to pronounce positively in favour of this House. What acquaintance have the people at large with the arcana of political rectitude, with the connections of kingdoms, the resources of national strength, the abilities of ministers, or even with their own dispositions? If we are to believe the very petitions which they have lately presented to the throne, they are unequal to those powers which the constitution has trusted to their hands. They have the

power of electing their representatives; yet you see they constantly abuse that power, and appoint those as the guardians of their dearest rights, whom they accuse of conspiring against the interests of their country. For these reasons, Sir, I pay no regard whatever to the voice of the people: it is our duty to do what is proper, without considering what may be agreeable: their business is to chuse us; it is ours to act constitutionally, and to maintain the independency of Parliament. Whether that independency be attacked by the people or by the crown, is a matter of little consequence; it is the attack, not the quarter it proceeds from, which we are to punish; and if we are to be controuled in our necessary jurisdiction, can it signify much, whether faction intimidate us with a rabble; or the King surround us with his guards? If we are driven from the direct line of justice by the threats of a mob, our existence is useless in the community. The minority within doors need only assault us by their myrmidons without, to gain their ends upon every occasion. Blows will then carry what their arguments cannot effect, and the people will be their own agents, though they elect us to represent them in Parliament. What must the consequence be? Universal anarchy, Sir. Therefore, as we are chosen to defend order, I am for sending those magistrates to the Tower who have attempted to destroy it: I stand up for the constitution, not for the people; if the people attempt to invade the constitution, they are enemies to the nation. Being, therefore, Sir, convinced that we are to do justice, whether it is agreeable or disagreeable to the people, I am for maintaining the independency of Parliament, and will not be a rebel to my King, my country, or my own heart, for the loudest huzza of an inconsiderate multitude.

The question being put for the committal of Mr. Alderman Oliver to the Tower, the House divided:

	Tellers.			*Tellers.*	
YEAS	Mr. Onslow Mr. Whately	170.	NOES	Mr. Pulteney Mr. Hussey	38.

So it was resolved in the affirmative; and the House adjourned at half past three on the morning of the 26th. A similar motion passed with regard to the Lord Mayor, on the 27th.

DEBATE ON THE CLERICAL PETITION FOR RELIEF FROM SUBSCRIPTION TO THE THIRTY-NINE ARTICLES. *

February 6. 1772.

SIR WILLIAM MEREDITH moved for leave to present a Petition from certain of the Clergy of the Church of England, and certain of the Professions of Civil Law and Physic, praying for relief from the Subscription to the Thirty-nine Articles. Sir William read the petition, and spoke warmly in its behalf. He was supported by Lord George Germain, Mr. Thomas Pitt, Lord John Cavendish, Mr. Thomas Townshend, Sir George Savile, Mr. Solicitor-General Wedderburn, and Mr. Dunning. The speakers on the opposite side were Sir Roger Newdigate, Mr. Fitzmaurice, Lord Folkestone, Mr. Byrne, Lord North, Mr. Fox, Mr. Burke, Mr. Dyson, Mr. Jenkinson, and Mr. Hans Stanley.

Mr. Fox said, he was against rejecting the petition, if that rejection was intended as a mode of shewing contempt; but that he must be against receiving it, as a reception would be a kind of engagement to proceed; which he hoped would not be done: that the Articles, savouring as they did of Christian charity, nevertheless taught such mysteries as ought not to be forced down the throats of young persons; that at Oxford, where the oaths of supremacy and allegiance could not be administered before the age of sixteen, an assent to the Thirty-nine Articles was required by statute, however young the person might be who was admitted; that he hoped the universities would, as he understood they could, relieve in that particular; and that a minister who would subscribe the Articles, and afterwards preach against them, would make little impression on his audience.

On the question, That the Petition be brought up, the House divided:

	Tellers.			*Tellers.*	
YEAS	Sir W. Meredith, Sir H. Hoghton	71.	NOES	Sir R. Newdigate, Mr. Jenkinson	217.

So it passed in the negative. †

* For an interesting account of the origin and progress of the Clerical Petition, see Mr. Belsham's Memoirs of the Rev. Mr. Lindsey. See also New Parliamentary History of England, vol. xvii. p. 245.

† Mr. Gibbon, in a letter to Mr. Holroyd, dated Boodles, February 8. 1772, says, "I congratulate you on the late victory of our dear mamma the Church of England. She had last Thursday 71 rebellious sons, who pretended to set aside her will on account of insanity: but 217 worthy champions, headed by Lord North, Burke, Hans Stanley, Charles Fox, &c. though they allowed the thirty-nine clauses of her testament were absurd and unreasonable, supported the validity of it with infinite humour." See Gibbon's Miscellaneous Works, vol. i. p. 447.

Royal Marriage Act.

March 9. 1772.

IN the summer of 1771, the Duke of Cumberland, one of the King's brothers, privately married Mrs. Horton, widow of Christopher Horton, Esq., of Catton Hall, in the county of Derby, and daughter of Lord Irnham: when the match was publicly announced, His Majesty forbad them the court. The displeasure shewn by the King on this occasion, did not deter the Duke of Gloucester, in the ensuing spring, from avowing as his consort the Countess Dowager of Waldegrave, whom he had espoused in 1766. On the 20th of February 1772, the King sent a Message to both Houses, stating, "That the right of approving all marriages in the Royal Family had ever belonged to the Kings of this realm as a matter of public concern, and recommending them to take into consideration, whether it might not be wise and expedient to supply the defect of the laws, and by some new provision, more effectually to guard the descendants of George the Second, from marrying without the approbation of His Majesty, his heirs, or successors." In consequence of this message, a bill was brought into the Lords, by which it was declared, that none of the Royal Family, being under the age of 25 years, should marry without the King's consent; after attaining that age, they were at liberty, in case of the King's refusal, to apply to the Privy Council by announcing the name of the person they were desirous to espouse, and if, within a year, neither House of Parliament should address the King against it, the marriage might be solemnized: but all persons assisting in, or knowing of an intention in any of the Royal Family to marry without fulfilling these ceremonies, and not disclosing it, should incur the penalties of a premunire. The Bill passed the Lords after much opposition. In the Commons every clause was debated with great warmth. On the 9th of March, Mr. Dowdeswell moved, "That it does not appear that the proposition offered in His Majesty's Message, viz. 'That the right of approving all marriages in the Royal Family has ever belonged to the Kings of this realm as a matter of public concern,' is founded in law, or warranted by the opinion of the Judges of England. Upon this motion, Mr. Welbore Ellis moved the other orders of the day. A long and violent debate ensued, in the course of which,

Mr. Fox entered on the matter in debate. He said, that it gave him much pain to be obliged to differ from a minister whose general conduct he so much approved, and whose political principles he admired; a minister who, with unexampled resolution, had stood forth in the most critical and dangerous moment to save his country from that anarchy and confusion into which it was about to be plunged by factious and ill-designing men. But since, by some unaccount-

able fatality, that same minister had become the promoter of a Bill which seemed big with mischief, and likely to bring upon the country that very anarchy and confusion from which his former conduct had rescued it, no consideration of regard or good opinion should prevent him from giving his most determined opposition to every part of the Bill in every stage of its progress. He then entered into the argument, and in the remainder of his speech there was nothing personal to Lord North. When Lord North rose to speak in the course of the debate, he took notice of what Mr. Fox had said with regard to him, and observed, that he ſhould always lament when a gentleman of whose abilities and integrity he had so high an opinion differed from him, and that the manly, open, and spirited manner in which that gentleman had, from the first, communicated to him his objections to the Bill, and his intentions of opposing it, had increased instead of lessening the esteem in which he held him.

The question being put, That the other orders of the day be now read, the House divided:

	Tellers.			*Tellers.*	
YEAS	Mr. Onslow, Mr. Cooper	268.	NOES	Mr. Charles Fox, Mr. Seymour	140.

Mr. Dowdeswell's motion was consequently lost. The Bill was passed, on the 24th of March, without any amendment.

MOTION FOR A COMMITTEE TO CONSIDER OF THE SUBSCRIPTION TO THE THIRTY-NINE ARTICLES.

February 23. 1773.

SIR WILLIAM MEREDITH having moved the order of the day, for the House to resolve itself into a Committee of the whole House, to consider of the Subscription to the Thirty-nine Articles of the Church of England, or any other Test now required of persons in either of the two Universities, several Members were for putting an immediate negative thereon, and called loudly for the question, whether the Speaker should leave the Chair. Sir William acquainted the House with his general reasons, as well as what appeared to be the sense of the House last year, on the impropriety of imposing Tests upon youth at the time of matriculation; and assured those gentlemen, that if they were determined to put a negative upon the proposed inquiry, in the first instance, he intended to transfer the debate from the present motion, to another question, namely, Whether this House be competent to

judge of the propriety or impropriety of any Subscription or Test established at our Universities? The motion for the Speaker's leaving the Chair, was opposed by Sir Roger Newdigate, Mr. Welbore Ellis, Mr. Cornwall, Mr. Jenkinson, Sir William Dolden, and Lord North; and supported by Mr. Dowdeswell, Mr. Grey, Mr. Frederick Montagu, and Mr. Fox.

Mr. Fox said: I rejoice, Sir, to find that we are at last got into a debate from which I was afraid we were altogether departing. As the matter has been managed, the question before this House is simply, Whether it be at all expedient for the legislative power to interpose in an affair of this kind?

I was exceedingly young, Sir, when I went to the University; not however so young but that the matter of Subscription struck me. At the age of twelve, youth, when matriculated, are required to subscribe, 'Articuli fidei duntaxat,' but at sixteen, they are to subscribe the oaths of allegiance and supremacy: now, Sir, whether it be supposed that their political creed is of more importance than their religious one, I will not take upon me to determine, but it should seem that the institution supposes them not capable of understanding the sublime mysteries of politics until sixteen, though at twelve it is apprehended that they can both understand, relish, and swallow down the sublimer mysteries of religion! As to the distinction which has been laid down by a right honourable gentleman who spoke some time since, that "it is only subscribing to what they are hereafter to be instructed in, and means no more than a repetition of a creed," Sir, this subscription, as well as repetition, is a solemn thing; it is a serious attestation of the truth of propositions, not a syllable of which, according to the right honourable gentleman's own confession, the youth who subscribes can understand. Why, therefore, attest the truth of what he is ignorant? Is not this to teach our youth to prevaricate? And will not a habit of prevarication lead to the destruction of all that prompt, ingenuous frankness, which ought to be the glory and the pride of youth?

This House, Sir, is accustomed to accept of the simple affirmation of witnesses; and is it not a dangerous doctrine to teach, that because an oath is not administered, a person may solemnly bear attestation to the truth of what may, for aught he can tell, be entirely false? I, Sir, can relish no such doctrine; I think it has a highly injurious tendency; and I should therefore wish that the Speaker should leave the chair, in order that we may discuss the advantages which can redound to the state, as well as to individuals, from our youth being

trained solemnly to attest and subscribe to the truth of a string of propositions, all of which they are as entirely ignorant of as they are of the face of the country said to be in the moon.

The question being put, That the Speaker do leave the chair, the House divided:

Tellers.
YEAS { Mr. C. James Fox / Mr. F. Montagu } 67.—NOES { Sir R. Newdigate / Sir Wm. Dolben } 159. *Tellers.*

So it passed in the negative.

THE REVEREND JOHN HORNE'S LIBEL ON THE SPEAKER OF THE HOUSE OF COMMONS.

February 11. 1774.

THE SPEAKER, Sir Fletcher Norton, complained to the House, of a Letter which had been addressed to him in the Public Advertiser of that day, signed "Strike—but Hear," charging him with injustice, and with a predilection for Mr. De Grey, in the progress of the Tottington Inclosure Bill. Sir Edward Astley and Mr. Alderman Sawbridge, who were fully acquainted with the progress of the affair, denied all the facts charged in the Letter, and asserted that there had not been the least partiality in the Speaker, as the whole business had been transacted according to the usual forms. The House was now silent for the space of two minutes, and the order of the day was going to be read, when Mr. Herbert, conceiving that an attack of such an atrocious nature upon the character of their Speaker was not to be passed over without exposing the privileges of the House to the utmost contempt, moved, That H. S. Woodfall, the printer of the Public Advertiser, do attend that House. Sir Joseph Mawbey thought the Letter was written with a view to injure the liberty of the press, and set His Majesty again at variance with the City: he, therefore, wished the House to abstain from noticing the Libel, and referred the Speaker to the courts of law for redress.

Mr. Fox said, he agreed with the worthy baronet, that the Letter was written with an intent to injure the liberty of the press, for it was full of such flagrant falsehoods, that no man of sense who read it, could put the least belief in it *.

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* A copy of the Libel will be found in the New Parliamentary History, vol. 17. p. 1006. It is of considerable length. It accuses Sir Fletcher of a scandalous violation of his dangerous trust, and of gross and wilful

He likewise agreed, that the motion might be productive of unpleasant effects; but, was any member of that House, and much more their Speaker, to be libelled in so gross a manner, and be obliged to descend to a law-suit? No! he hoped they would always preserve their privileges, and protect themselves; for it would be an absurdity to appeal to an inferior court for protection. Would the Court of King's Bench, for instance, apply to the Court of Common Pleas? The honourable baronet dreaded the consequences that might arise from the motion; and with reason. For the printers, from the lenity they had experienced when they were last at the bar *, seemed to imagine, that they had a right to libel any of the members, and if suffered to go on at that rate, would next claim, as one of their privileges, the right of libelling whomsoever they pleased. The House was now warm in the matter, and now, therefore, was the properest time to discuss and go through with it.

After a debate of some length, the House resolved, "That the said Letter to Sir Fletcher Norton is a false, malicious, and scandalous Libel, highly reflecting on the character of the Speaker of this House, to the dishonour of this House, and in violation of the privileges thereof;" and the printer was ordered to attend on the 14th. Mr. Woodfall obeyed the summons, and on being interrogated, informed the House, that the Reverend John Horne was the author of the obnoxious paper. The House resolved, that the Printer was guilty of a breach of privilege; and Mr. Herbert moved, that he might be taken into the custody of the Serjeant at Arms. This occasioned a debate:

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falsehood. It concludes thus: "Sir, I am free to acknowledge that such language as this I hold to you, and in such a disreputable channel, should not in a policed nation be suffered even to a private individual, much less to the first great officer of the people. But, alas! we are not a policed nation; for the laws have lost their edge towards the guilty, and are no longer the refuge of the innocent. You are not the officer of the people; for though you bear that respected and awful name, yet yourself and all others know that you owe your situation to the corrupt influence of that accursed plan of power, which has left us no right but that of lamentation. This right I will freely exercise in this country, until the tongue shall cleave to the roof of my mouth. All sorts of punishment, I know, are at the discretion of your employers; and, according to their fancy or policy, they will, when they please, inflict it. But I shall think myself well rewarded, if I can only awaken from their lethargy some few honest members of the House of Commons, to watch over the wickedness which you are daily perpetrating under the pretence of form. And whatever happens to myself, I will, with the patient Greek of old, "STRIKE — but HEAR."

* See page 9.

Mr. Fox said, he was not against shewing lenity to any man; but to a person who had been proved to be guilty of such an atrocious crime, he thought the bare commitment to the custody of the Serjeant at Arms was not sufficient: it was, therefore, his intention to move that he be committed to Newgate, as the proper place where offenders should be sent to, although hints had been thrown out, that the sheriffs of London would not admit him. He said, that the printer, for the purpose of shewing the House how much he regarded the Speaker's order, had, on Saturday morning last, printed verbatim the Resolutions of the House. He then moved his Amendment, by leaving out the words, "taken into the custody of the Serjeant at Arms attending this House," and inserting the words "committed to Newgate" instead thereof.

Lord North said he was sorry to hear Mr. Fox mention, that hints had been thrown out of what the Sheriffs of London would do. He hoped there were no persons who would dispute the power of the House, and would therefore move, that the printer be committed to the Gate-house, as he thought it would be highly imprudent to force themselves into a contest with the City. As to shewing lenity, he had no objection, provided the printer would afterwards petition; but it was necessary, for the honour of the House, that he should be committed to some gaol. Captain Phipps was surprized to hear the word honour mentioned in the House; he thought it had been discarded: he knew of no honour they ought to contend for, but the honour of doing the duty of their constituents: if they acted consistently, they need never be afraid of their conduct being arraigned; but he was sorry to say they had lost the confidence of the people.

Mr. Fox insisted, that the members had not lost the confidence of the people by the conduct they had pursued with regard to the Middlesex Election, as had foolishly been imagined, but by tamely submitting to the numerous insults that had been offered to the Sovereign and to the House. Had he his will, he declared that the Aldermen and others who had presented their Remonstrances to the throne, should have been taken into custody. A few years ago, the House had sent two Aldermen of London to the Tower *, but had suffered a paltry printer, J. Miller, to hold them in contempt: the man had not yet obeyed their summons, and, he supposed, never would. By these means it was, that the members had forfeited the good will of their constituents; but he

* See p. 14.

hoped they would now prove, that no man in the kingdom, the House of Peers excepted, had a right to disobey the order of that House; for if they had a right to summon persons for information, they had a right to summon them for any thing.

After some further debate, Mr. Fox withdrew his motion; Lord North moved his amendment; and the question being put, That the words "taken into the custody of the Serjeant at Arms attending this House," stand part of the question, the House divided:

	Tellers.			*Tellers.*	
YEAS	Sir Ed. Astley Mr. Phipps	152.	NOES	Lord Lisburne Mr. C. J. Fox *	68.

Mr. Woodfall was accordingly taken into the custody of the Serjeant at Arms; and the Reverend John Horne was ordered to attend the House on the 16th. After some demurs relative to the summons, Mr. Horne was brought before the House. He extricated himself from the accusation with great dexterity: having attempted to remove the imputation of contumacy, he desired to know whether what Mr. Woodfall had said at the bar was the only evidence and charge against him? The Speaker said it was the charge. Mr. Horne then said, it was very droll, for he had a charge against him. He concluded with saying, that he should plead there, as in every other court of justice, Not guilty. The House was embarrassed. Mr. Woodfall was again called in, and confronted with Mr. Horne; but as he was implicated in the guilt of the publication, his testimony was not deemed admissible, and three of his journeymen were ordered to attend. They attended accordingly, on the 18th, and were examined, but their evidence not going to fix the Libel upon Mr. Horne, Mr. Herbert apologized for the trouble he had given the House, and added, that as the evidence had not proved Mr. Horne the author of the Libel, to evince his impartiality, he should move, That he be discharged out of the custody of the Serjeant at Arms.

Mr. Fox, though he was not against the discharge of the prisoner, hoped the failure of evidence would be a caution to the House in their future proceedings; and particularly that

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* A few days after this debate, namely, on the 28th of February, while Mr. Fox was actually engaged in conversation with Lord North on indifferent subjects, in the House of Commons, the following laconic card of dismission from the Board of Treasury was delivered to him by one of the door-keepers:

"His Majesty has thought proper to order a new Commission of Treasury to be made out, in which I do not see your name. NORTH."

they might not think the printer deserved any lenity for obeying the summons, or giving up the author of the libel; seeing that he had done no more than his duty. The author, Mr. Fox observed, was no object to him; the printer who had inserted so infamous a libel, he was the greatest culprit, and ought to have been committed to Newgate, as was at first moved. He should, however, reserve his sentiments, until the printer thought proper to petition the House for his discharge.

On the 2d of March, Captain Phipps begged leave to present a petition from Mr. Woodfall, praying to be released from his confinement.

Mr. Fox said, he should not oppose the petition being presented, but he thought the noble lord (North) who had shone so amazingly in this business, and who was so great a lover of the liberty of the press, ought to have been present, and likewise the original mover of the business. He said, it was pitiful in them to depute another person to declare their will: it seemed as if they were ashamed of their proceedings, which the noble lord had no occasion to be; for no one could yet tell, by his declarations, which side he meant to espouse. The noble lord, on the first day of the business, had declared, that should the prisoner petition at ever so early a period, he would not be against it; yet, after a week's confinement, he did petition, and the noble lord went from his word, not out of any regard for the privileges of the House, but merely to please an individual.

The petition was then presented, and on the motion of Captain Phipps, Mr. Woodfall was brought to the bar and discharged.

Mr. Fox's Complaint of a Libel on the Revolution of 1688.

February 16. 1774.

Mr. Fox rose and said:

MR. SPEAKER; the part I have hitherto taken in the matter of libels that has recently occupied the attention of this House, calls upon me at present to take notice of a fresh libel of a nature, if possible, still more mischievous and

detestable, than that for which you have already punished one printer. Sir, the paper I allude to is one that I have in my hand; it is a letter in the Public Advertiser, and also in the Morning Chronicle, of this morning, signed "A South Briton*." Sir, I esteem it one of the highest and most atrocious

* The following is a copy of the said letter:

"Sir; the following curses are by God denounced in holy writ: cursed is he that curses father or mother; cursed is he that removeth his neighbour's landmark; cursed are the unmerciful, covetous persons, and extortioners. Now, as to the first, surely that man must lie under that curse, who by force drives his father from his possession, and hires people with his father's money to murder him. As to the second curse, if it is a damnable sin to remove a neighbour's land-mark to defraud him of a bit of ground, how great, how tremendously great must that man's curse be, who, although he lets the land-mark stand, yet by force defrauds him of his whole ground and property! And that man who is guilty of the above must certainly be an unmerciful, covetous, extortionable man. This day 84 years, just at the very time the curses of God were by his lawful ministers pronouncing in almost every church in England, Scotland, and Ireland, an herald was proclaiming two undutiful children King and Queen of England, &c. But peace to their manes: they, in a short time afterwards, were obliged to appear where rebellion, perjury, fraud, cunning, and deceit would stand in no good stead. But let us see and consider the advantages the subjects gained by that glorious day's work: before that period the subjects were not encumbered with so much as one penny national debt; and the whole of all their taxes united together scarcely amounted to threepence in the pound. Now take all our taxes of every sort united, they amount to about 15s. in the pound, three parts of our whole property (the undoubted cause of provisions being dear), and as the King goes on, the remaining fourth must soon follow; and suppose the national debt to be 140 millions, which funded and unfunded I believe will amount to that sum, then for every single day since the Revolution we have been blessed with an accumulating debt, amounting to upwards of 4562l. 19s. 8¾d. per day; a blessing on us and our posterity for ever, so sure as the Revolution was a blessing, if otherwise a curse and burthen on us and our latest posterity; and all the aforesaid millions were expended to make the poor and distressed states of Holland become rich, high, and mighty, the poor electorate of Hanover rich and wealthy, and the subjects of Great Britain and Ireland in poverty, distress, and slavery; and since the aforesaid period our governors have coaxed us to part with the major part of our money they did not take by force, and in the room thereof to give us bits of paper; so that the major part of our remaining wealth is now in their hands; by which means they keep up the following standing armies to keep the subject in awe, poverty, distress, and slavery: a standing army of great placemen, a standing army of excisemen, permit-men, custom-house officers, with the other innumerable company of little placemen, a standing army of devouring locusts, called pensioners, and a standing army of soldiers; by all which means our liberties are become barely nominal, and our paper property of every sort whenever the —— pleases can be wiped out with a sponge.

"If we consider religion, the church of England flourished before that period; but since that time popery and fanaticism have encreased, especially of late years, to such a degree, that, without the spirit of prophecy, we may foretel that in a few years the church of England will be extinct, unless God in his great mercy preserves us.

calumnies; one of the vilest libels on the constitution of this country, that ever was published. It is not an abuse of this person or of that person, but of the constitution of this kingdom: it is a libel upon the glorious Revolution in 1688, and terms it expressly a rebellion against King James. Sir, I am so much an enemy to all libels — to all licentiousness of the press — though a friend to the legal liberty of it — that I am induced to bring libels of all denominations on the carpet. I am expressly for putting a stop, and an effectual one, to so scandalous a practice. And this which I hold in my hand is of such an abominable nature, that I am confident there is not a gentleman in the House who will disagree with me on this occasion. I think, Sir, the motion with which I shall conclude will occasion no debate. I am sure it will be a dishonour to the House, if there should be a debate upon it. The glorious Revolution was the æra of the liberties — of the happiness of Britain. It was an æra which demands every tribute of honour and applause that the heart of man can give; and ill does he deserve a seat in this House, who can tamely sit and see the most infamous libels, the most licentious scurrility, daily exercised upon the event, to which, of all others, this country is the most indebted. I therefore request, as a foundation for a motion, that the papers may be read. [The Public Advertiser and Morning Chronicle were accordingly delivered in, and the letter read.] Now, Sir, I move, "That the said Letter is a false, scandalous, and traitorous Libel upon the Constitution of this Country, and tending to alienate the Affections of His Majesty's subjects from His Majesty and his Royal Family."

The motion was not objected to, but Mr. Thomas Townsend regretted that this poor, despicable South Briton should be punished, after so many more pernicious libellers were permitted to walk at large. From the conviction and punishment of Dr. Shebbeare to the present moment, no papers of this sort had been taken notice of: the revilers of the revolution, and the principles of the revolution, had been applauded, revered, and even pensioned: Drs. Shebbeare and Johnson had been pensioned, while this wretched South Briton was to be prosecuted. Upon this,

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"If we look into morality, our governors since that period, by their wicked examples of bribery, corruption, dissipation, gaming, and every species of wickedness that can be committed, have so debauched the morals of the people, that morality is in the same deplorable condition of liberty, property, and religion, viz. almost vanished from these once happy isles! On the whole, if a tree is to be known by its fruits, who dare say the rebellion against King James was not a glorious revolution?

"I am, A South Briton."

Mr. Fox said: Sir, I cannot subscribe to the propriety of coupling Dr. Johnson and Dr. Shebbeare together. I should be very much against persecuting a man of great literary abilities, for any opinions which he might happen to drop in works not professedly political. I know not the passages which the right honourable gentleman alludes to, but I must make an eternal distinction between the cases which he represents as the same. The peculiar opinions of men of great literary abilities, who have accidentally dropped them, are not what I think ought to meet with persecution. To do so would be to injure the cause of literature, which is ever best encouraged under a free government.

The motion was carried. After which it was ordered, on the motion of Mr. Fox, "That Mr. Attorney-General do forthwith prosecute the author, printers, and publishers of the said false, scandalous, and traitorous libel." *

Boston Port Bill.

March 23.

ON the 14th of March, Lord North moved, "That Leave be given to bring in a Bill for the immediate Removal of the Officers concerned in the Collection and Management of His Majesty's Duties and Customs from the Town of Boston, in the Province of Massachuset's Bay, in North America; and to discontinue the landing and discharging, lading and shipping of Goods, Wares, and Merchandize at the said Town of Boston, or within the Harbour thereof." Many debates took place during the progress of the bill. On the 23d the House went into a committee. On the question upon the clause, which vests in the crown the power to restore the port,

* The trial of Mr. William Woodfall for printing the said libel in the Morning Chronicle came on in the Court of King's Bench upon the 11th of July following, before Lord Mansfield and a special jury. The trial lasted about an hour, when the jury went out, and after staying five hours, brought in their verdict, guilty. Immediately after came on the trial of Mr. H. S. Woodfall for printing the said letter in the Public Advertiser, which lasted half an hour, when the jury went out, returned in half an hour, and brought in their verdict, guilty. They were afterwards sentenced to pay each a fine of 200 marks, and suffer three months' imprisonment in the King's Bench.

Mr. Fox said, he should give it his negative, as it was trusting the crown with that power which parliament were afraid to trust themselves with: and if he did not succeed in his negative to this clause, he should object to the one following, which seemed to militate against the measure adopted in this; as a restraint was there laid upon the crown until the East India Company were indemnified for the loss they had sustained. This bill, he said, was calculated for three purposes; the first for securing the trade, the second for punishing the Bostonians, and the third for satisfaction to the East India Company. He said, the first clause did not give a true and exact distinction by what means, and at what period, the crown was to exercise the power vested in it; he thought that application for relief should come to parliament only, and that the power of affording such relief should not be lodged in the crown. The quarrel was with Parliament, and Parliament was the proper power to end it; not, said he, ironically, that there is any reason to distrust His Majesty's ministers, that they will not restore the port when it shall be proper; but I want to hear the reason why this clause should be so left in the judgment of the crown, and the next clause should be so particularly granted, with such a guard upon His Majesty, to prevent him from restoring the port until the East India Company should be fully satisfied.

The clauses objected to passed without any division.

REPEAL OF THE AMERICAN TEA DUTY BILL.

April 19.

SEVERAL members who had voted for the bill to shut up the port of Boston, were nevertheless of opinion, that something of a conciliatory nature should attend this measure of severity; that parliament, whilst it resented the outrages of the American populace, ought not to irritate the sober part of the colonies; that if they had satisfaction in the matter of taxes, they would become instrumental in keeping the inferior and more turbulent in order; and that this sacrifice to peace would be made at no considerable expence. On the 19th of April, therefore, Mr. Rose Fuller moved, "That this House will, on this day sevennight, resolve itself into a Committee of the whole House, to take into consideration the Duty of 3d. per pound weight upon Tea, payable in all His Majesty's Dominions in America, imposed by an Act made in

the 7th Year of His present Majesty, intituled, 'An act for granting certain duties in the British colonies and plantations in America, for allowing a drawback of the duties of customs upon the exportation from this kingdom of coffee and cocoa nuts, of the produce of the said colonies or plantations, for discontinuing the drawbacks payable on China earthenware exported to America; and for more effectually preventing the clandestine running of goods in the said colonies and plantations.'" Upon this occasion it was, that Mr. Burke made his celebrated speech on American taxation. In the course of the debate,

Mr. Fox said: Let us consider, Sir, what is the state of America with regard to this country; the Americans will become useful subjects, if you use them with that temper and lenity which you ought to do. When the stamp act was repealed, murmurs ceased, and quiet succeeded. Taxes have produced a contrary behaviour; quiet has been succeeded by riots and disturbances. Here is an absolute dereliction of the authority of this country. It has been said, that America is not represented in this House, but the Americans are full as virtually taxed, as virtually represented. A tax can only be laid for three purposes; the first for a commercial regulation, the second for a revenue, and the third for asserting your right. As to the two first, it has clearly been denied that it is for either; as to the latter, it is only done with a view to irritate and declare war against the Americans, which, if you persist in, I am clearly of opinion you will effect, or force them into open rebellion.

The House divided: Yeas 49: Noes 182. So the motion was negatived.

Bill for the better regulating the Government of Massachuset's Bay.

April 22.

SHORTLY after the passing of the Boston port act, a bill was brought in "for the better regulating the Government of Massachuset's Bay." The purpose of this bill was to alter the constitution of that province as it stood upon the charter of King William; to take the whole executive power out of the hands of the democratic part, and to vest the nomination of counsellors, judges, and magistrates of all kinds, including the sheriffs, in the crown, and in some cases in the King's governor, and all to be removeable at the pleasure of the crown. On the second reading

of the bill, upon the 22d of April, Mr. Rigby declared, that Great Britain had a right to tax America; that he was not for putting on any new tax at that particular crisis; but when things were returned to a peaceable state, he would then begin to exercise the right. He added, that we had a right to tax Ireland, if there was a necessity so to do, in order to help the mother country. In reply to this speech,

Mr. Fox said:

Sir, I am glad to hear from the right honourable gentleman who spoke last, that now is not the time to tax America: that the only time for doing that is, when all these disturbances are quelled, and the people are returned to their duty; so, I find, that taxes are to be the reward of obedience; and the Americans, who are considered to have been in open rebellion, are to be rewarded by acquiescing to their measures. When will be the time that America ought to have heavy taxes laid upon her? The right honourable gentleman tells you, that that time is when the Americans are returned to peace and quietness. The right honourable gentleman tells us also, that we have a right to tax Ireland; however I may agree with him in regard to the principle, sure I am that it would not be policy to exercise it. I believe we have no more right to tax the one than the other. I believe America is wrong in resisting against this country, with regard to its legislative authority. It was an old opinion, and I believe a very true one, that there was a dispensing power in the crown, but whenever that dispensing power was pretended to be exercised, it was always rejected and opposed to the utmost, because it operated on me, as a subject, to the detriment of my property and liberty; but, Sir, there has been a constant line of conduct practised in this country towards America, consisting of violence and weakness. I wish such measures to be discontinued; nor can I think that the stamp act would have been submitted to without resistance, if the administration had not been changed. The bill before you is not what you want; it will irritate the minds of the people, but does not correct the deficiencies of the government of Massachuset's Bay.

The bill was then committed.

May 2.

On the order of the day for the third reading of the bill,

Mr. Fox said:

I take this to be the question, Whether America is to be governed by force, or management? I never could conceive

that the Americans ought to be taxed without their consent. Just as the House of Commons stands to the House of Lords, with regard to taxation and legislation, so stands America with Great Britain. There is not an American, but who must reject and resist the principle and right of our taxing them. The question, then, is shortly this, Whether we ought to govern America on these principles? Can this country gain strength by keeping up such a dispute as this? Tell me when America is to be taxed, so as to relieve the burthens of this country. I look upon this measure to be in effect taking away their charter: if their charter is to be taken away, for God's sake let it be taken away by law, and not by legislative coercion: but I cannot conceive that any law whatever, while their charter continues, will make them think that you have a right to tax them. If a system of force is to be established, there is no provision for that in this bill; it does not go far enough; if it is to induce them by fair means, it goes too far. The only method by which the Americans will ever think they are attached to this country, will be by our laying aside the right of taxing. I consider this bill as a bill of pains and penalties, for it begins with a crime, and ends with a punishment; and I wish gentlemen would consider, whether it is more proper to govern by military force, or by management.

The House divided on the third reading of the bill: Yeas 239: Noes 64.

Petitions for Reconciliation with America.

January 23. 1775.

ABOUT this time numerous petitions were presented from the great mercantile cities and towns, praying Parliament to desist from those proceedings which had occasioned the American association so prejudicial to commerce. On the first petition from the merchants of London, a strenuous debate arose. Mr. Alderman Hayley, who presented it, moved that it should be referred to the committee who were appointed to take into consideration the papers relating to the disturbances in North America. This seemed to be so natural, and so much a matter of course, as scarcely to admit of a controversy. Ministers, however, opposed the motion. A separate committee for the consideration of the Merchants' Petition was proposed, and Sir Wil-

liam Meredith moved, that it should be referred to a Committee on the 27th, the day succeeding that on which the Committee was to take the American papers into consideration. The conduct of ministers was severely arraigned, and much ridicule was thrown on the proposed Committee, which Mr. Burke called a Coventry Committee, and a Committee of Oblivion.

Mr. Fox repeatedly called on Lord North to know, who was the man that advised the late acts against the Americans; for he it was who had created the disturbances, he it was who had placed General Gage and his troops in the ridiculous situation in which they at present were, and he it was who ought to answer to his country for the mischievous consequences that might ensue. He attacked the minister violently; pointed out his delays before Christmas, and his speed after. He said that the Committee now proposed was no more than a mere farce to delude the merchants, as he was certain that nothing serious was intended.

The House divided: For the Amendment 197: Against it 81.

January 27.

The merchants of London, displeased with this reference, presented a second petition, lamenting the late decision, by which their former petition was referred to a separate Committee, and by which they were absolutely precluded from such a hearing in its support, as could alone procure them that relief which the present deplorable state of their trade required. Mr. Alderman Hayley moved, "That the order for referring the petition to a separate Committee should be discharged, and that it should be referred to the Committee of the whole House appointed to consider the papers relating to the disturbances in North America." The motion was opposed by Mr. Hans Stanley and Mr. Jenkinson, and supported by the gentlemen in the minority. The necessity of hearing the petitioners was warmly pleaded by Mr. Burke. He lamented the national calamities about to befal this devoted country. Besides the horrors of a civil war; besides the slaughtered innocents who were to be victimated to the counsels of a ministry precipitate to dye the rivers of America with the blood of her inhabitants; besides these disasters, an impoverished revenue, famished millions, the stagnation of manufactures, the total overthrow of commerce, the encrease of the poor's rate, the accumulation of taxes, innumerable bankruptcies, and other shocks which might make the fabric of public credit totter to its basis—these were all depicted in the strongest colours by Mr. Burke. He professedly reserved himself, however, for that day when, if properly supported by the people, he vowed by all that was dear to him here and hereafter, he would pursue to condign punishment

the advisers of measures fraught with every destructive consequence to the constitution, the commerce, the rights and liberties of this country.

Mr. Fox spoke on the same side. He arraigned, in the severest terms, the acts of the last parliament, as framed on false information, conceived in weakness and ignorance, and executed with negligence. We were promised that, on the very appearance of troops, all was to be tranquillity at Boston; yet so far from subduing the spirit of that people, these troops were, by the neglect of those who sent them, reduced to the most shameful situation, and dishonourably intrenched within the lines of circumvallation, which a necessary precaution for their own safety obliged them to form. He said, that the contrary effect of what the minister had promised, was foretold; but that the minister, forsooth, in his usual negligence, avowed, that when he was pursuing a measure of the last degree of importance, though it were treasonable in him, (the strength of the words he afterwards disavowed) yet he thought it would be blameable in him so much as to enquire what the effects were to be of his measures. He believed it was the first time any minister dared to avow that he thought it his duty not to enquire into the effects of his measures; but it was suitable to the whole of the noble lord's conduct, who had no system or plan of conduct, no knowledge of business. He had often declared his unfitness for his station, and he agreed that his conduct justified his declaration; and that the country was incensed, and on the point of being involved in a civil war by his incapacity. He pledged himself to join Mr. Burke, in pursuing the noble lord, and bringing him to answer for the mischiefs occasioned by his negligence, his inconsistency, and his incapacity: he said not this from resentment, but from a conviction of the destructive proceedings of a bad minister.

Lord North in the course of his speech observed, that Mr. Burke and Mr. Fox constantly made a point, not only of attacking, but even of threatening him. As to general charges, he could only answer them in general terms; and when that black, bitter, trying day should come, which had been prophecied by one of those gentlemen, and he should bring any particular charge against him, he trusted he should be able to give it a particular answer. As to the other gentleman, who found so many causes of censure, and who disclaimed all resentment, he was sure, though the honourable gentleman now discovered in him so much incapacity and negligence, there was a time, when he approved of, at least, some part of his conduct.

Mr. Fox, in reply to Lord North, said: That my private resentments have not influenced my public conduct, will be readily believed, when I assert that I might long since have justly charged the noble lord, with the most unexampled treachery and falsehood. — Here Mr. Fox was called to order, and the House grew clamorous. He sat down twice or thrice, and on rising each time, repeated the same words; but at length, assuring the House he would abstain from every thing personal, he was permitted to proceed. He then repeated his former charges of negligence, incapacity, and inconsistency; and added, that though he at one time approved of part of the noble lord's conduct, he never approved of the whole. He charged all the present disputes with America, to his negligence and incapacity, and instanced his inconsistency in the case of the Middlesex election. It was true, he said, the noble lord had often confessed his incapacity, and from a consciousness of it, pretended a willingness to resign; but the event had proved that whatever his consciousness might have been, his love of the emoluments of office had completely conquered it.

The House divided on the motion for the discharge of the order: Yeas 89: Noes 250.

Address to the King upon the Disturbances in North America.

February 2.

THE House being in the Committee appointed to take into consideration the papers relating to the Disturbances in North America, Lord North moved, "That an humble Address be presented to His Majesty, to return His Majesty our most humble thanks, for having been graciously pleased to communicate to this House, the several papers relating to the present state of the British colonies in America, which, by His Majesty's commands, have been laid before this House, and from which, after taking them into our most serious consideration, we find, that a part of His Majesty's subjects in the province of the Massachuset's Bay have proceeded so far to resist the authority of the supreme legislature, that a rebellion at this time actually exists within the said province; and we see with the utmost concern, that they have been countenanced and encouraged by unlawful combinations and engagements, entered into by His Majesty's subjects, in several of the other colonies, to the injury and oppression of many of their

innocent fellow subjects resident within the kingdom of Great Britain and the rest of His Majesty's dominions; this conduct on their part appears to us the more inexcusable, when we consider with how much temper His Majesty and the two Houses of Parliament have acted, in support of the laws and constitution of Great Britain; to declare that we can never so far desert the trust reposed in us, as to relinquish any part of the sovereign authority over all His Majesty's dominions, which by law is vested in His Majesty and the two Houses of Parliament; and that the conduct of many persons, in several of the colonies, during the late disturbances, is alone sufficient to convince us how necessary this power is, for the protection of the lives and fortunes of all His Majesty's subjects; that we ever have been, and always shall be, ready to pay attention and regard to any real grievances of any of His Majesty's subjects, which shall in a dutiful and constitutional manner be laid before us; and whenever any of the colonies shall make a proper application to us, we shall be ready to afford them every just and reasonable indulgence; but that, at the same time, we consider it as our indispensable duty, humbly to beseech His Majesty, that His Majesty will take the most effectual measures to enforce due obedience to the laws and authority of the supreme legislature; and that we beg leave, in the most solemn manner, to assure His Majesty, that it is our fixed resolution, at the hazard of our lives and properties, to stand by His Majesty, against all rebellious attempts, in the maintenance of the just rights of His Majesty and the two Houses of parliament." This motion occasioned a spirited debate. It was supported by the Attorney and Solicitor General, and opposed by Mr. Dunning, Mr. Grenville, Mr. Cruger, Captain Luttrell, Mr. Burke, and Mr. Fox.

Mr. Fox, who upon this occasion is stated to have spoken better than usual, entered fully into the question. He pointed out the injustice, the inexpediency, and folly of the motion; prophesied defeat on one side the water, and ruin and punishment on the other. He moved an amendment to omit all the motion, but the three or four first lines, and to substitute the following words: "But deploring that the information which the papers have afforded, serves only to convince this House that the measures taken by His Majesty's servants tend rather to widen than to heal the unhappy differences, which have so long subsisted between Great Britain and America, and praying a speedy alteration of the same." *

* Mr. Gibbon, in a letter to Mr. Holroyd, dated February 8. 1775. says, "I am not damned, according to your charitable wishes, because I have not acted; there was such an inundation of speeches, young speeches in every sense of the word, both on Thursday in the Grand Committee, and Monday on the Report to the House, that neither Lord George Germain

The Committee divided upon Mr. Fox's amendment: Ayes 105: Noes 304.

AUGMENTATION OF THE FORCES.

February 13.

ON the 10th of February, a Message was presented from His Majesty, stating that "His Majesty being determined, in consequence of the Address of both Houses of Parliament, to take the most speedy and effectual measures for supporting the just Rights of his Crown, and the two Houses of Parliament, thinks proper to acquaint this House, that some addition to his Forces by sea and land will be necessary for that purpose: and His Majesty doubts not but he shall have the concurrence and support of this House (on whose zeal and affection he entirely relies), in making such augmentation to his Forces as the present occasion shall be thought to require." In consequence of this Message, Mr. Buller moved, on the 13th, "That an additional number of 2000 men be allowed for sea service for the year 1775." In the course of the debate arising out of this motion,

Mr. Fox contended strongly, that taking the affairs of America on the very footing upon which ministers had thrown them, their conduct betrayed nothing but incapacity; that the gentlemen on the treasury-bench were repeatedly telling the House of the rebellion of the Americans, and how strongly they were persuaded that they meant to throw off all dependance on this country. How then, said he, are we to account for that slothful, dilatory conduct of administration, in sitting quiet for so many months, and seeming in their management to have no idea that force could ever be used or would ever be necessary? If administration were really persuaded of the views and intentions of the Americans, if rebellion was written among them in such legible characters, why did they not take the earliest opportunity of preventing those intentions and of stifling that rebellion? Had they conducted themselves upon the principles of common sense they certainly would have been earlier in their intelligence to

nor myself could find room for a single word. The principal men both days were Fox and Wedderburne, on the opposite sides; the latter displayed his usual talents; the former, taking the vast compass of the question before us, discovered powers for regular debate which neither his friends hoped, nor his enemies dreaded." Miscellaneous Works, vol. 1. p. 489.

Parliament, earlier in their application, and more vigorous in their measures. But this, he said, was under the supposition that they knew the rectitude of their intentions, and approved of their own conduct. He then deviated into a personal attack on Lord North, but was uncommonly spirited throughout.

Lord North's Proposition for Conciliation with America.

February 20.

WHILE the Bill for restraining the Commerce of the New England Colonies, and prohibiting their Fishery on the Banks of Newfoundland, was yet depending, and while nothing but defiance was hurled at America on the part of Government, Lord North, to the surprize of Opposition and of many of the adherents of Ministers, brought forward his famous proposition for conciliating the differences with America. Adverting to the terms of the recent Address to the King upon the Disturbances in North America, he observed, although Parliament could never relinquish the right of taxation, yet if the Americans would propose means of contributing their share to the common defence, the exercise of the right might without hesitation be suspended, and the privilege of raising their own portion of contribution conceded to the colonists. This being the sense, and, he believed, the very words in which he moved the Address, he proposed as a Resolution: "That it is the opinion of this Committee, that when the Governor, Council, and Assembly, or General Court, of any of His Majesty's provinces or colonies in America, shall propose to make provision, according to the condition, circumstances, and situation, of such province or colony, for contributing their proportion to the common defence (such proportion to be raised under the authority of the General Court, or General Assembly, of such province or colony, and disposable by Parliament) and shall engage to make provision also for the support of the civil government, and the administration of justice, in such province or colony, it will be proper, if such proposal shall be approved by His Majesty and the two Houses of Parliament, and for so long as such provision shall be made accordingly, to forbear, in respect of such province or colony, to levy any duty, tax, or assessment, or to impose any farther duty, tax, or assessment, except only such duties as it may be expedient to continue to levy or to impose for the regulation of commerce; the nett produce of the duties last mentioned to be carried to the account of such province or

colony respectively." This proposition gave rise to a long debate; in the course of which,

Mr. Fox said: —

I congratulate my friends, and I congratulate the public, upon the motion which the noble lord has now produced. He, who has been hitherto all violence and war, is now treading back his steps to peace. I congratulate my friends and the public on those measures which have produced this effect. It is now seen what the effects are which a firm and a spirited opposition will produce; it is the opposition which has been made in this House, although ineffectual to oppose the measures of ministers, whilst they were pleased to be violent, yet has had that effect, that they now find it their interest and their safety to be otherwise. The noble lord has receded from his proposition of violence—has begun (I mean if he is sincere) to listen to reason; and, if the same spirit of opposition continues to resist violence, and to support the liberties and rights of the colonies, he will grow every day more and more reasonable. He has quoted, as an authority, the conduct of nations towards each other; that, in the outset of their demands, they claim more than they are willing to accept; the noble lord has done the same, and, I dare say, will on a future day be as ready to recede from what he has now proposed, as he has now been humble enough to give up what he before so strenuously defended. I say this upon the supposition that the noble lord is sincere; but I cannot believe it. Besides the opposition which the noble lord found obstructing his way, he felt, that even his friends and allies began to grow slack towards the vigour of his measures; he was therefore forced to look out for some propositions that might still induce them to go on with him, and that might, if possible, persuade the Americans to trust their rights to his candour and justice. What he has now proposed to you, does accordingly carry two faces on its very first appearance. To the Americans, and to those who are unwilling to proceed in the extremes of violence against them, he holds out negociation and reconciliation. To those who have engaged with him on condition that he will support the supremacy of this country unimpaired, the proposition holds out a persuasion that he never will relax on that point: but, Sir, his friends see that he is relaxing, and the Committee sees that they are all ready to withdraw from under his standard. No one in this country, who is sincerely for peace, will trust the speciousness of his expressions, and the Americans will reject them with disdain.

The Committee divided: For the Resolution 274: Against it 88.

BILL FOR RESTRAINING THE COMMERCE OF THE NEW ENGLAND COLONIES, AND PROHIBITING THEIR FISHERY ON THE BANKS OF NEWFOUNDLAND.

March 6.

ON the 10th of February, Lord North obtained leave to bring in a Bill "to restrain the Trade and Commerce of the Provinces of Massachuset's Bay, and New Hampshire; the Colonies of Connecticut and Rhode Island, and Providence Plantation in North America, to Great Britain, Ireland, and the British Islands in the West Indies; and to prohibit such Provinces and Colonies from carrying on any Fishery on the Banks of Newfoundland, or other Places therein to be mentioned, under certain Conditions, and for a Time to be limited." The principal arguments in support of the Bill were, that as the Americans had refused to trade with this kingdom, it was just to prevent their commerce with other nations: whatever distress they might feel, their own conduct left them no right of complaint: they had begun the practice by an association calculated to ruin our merchants, impoverish our manufacturers, and starve the West India Islands. The Opposition urged the impolicy of destroying a trade which could never be restored: God and Nature, they argued, had given the Newfoundland Fishery to New, and not to Old England. The penalties confounded the innocent with the guilty; nor was it possible for Government to issue such a proclamation as would afford security to all who were well-intentioned. The Bill was calculated, they said, to irritate the Americans and starve four provinces; and the danger of the Americans withholding the debts due to British merchants was strongly urged. During the progress of the Bill, petitions were presented from the American merchants in London, from the merchants of Poole, from the Quakers, and from the merchants of Waterford. They were referred to a Committee, and many witnesses examined. On the 6th of March, upon the motion that the Bill be engrossed,

Mr. Fox said, that the bill must have been calculated to put an end to all that remained of the legislative authority of Great Britain over America; that it must be intended to shew to the colonies that there was no one branch of supreme authority, which Parliament might not abuse in such a manner, as to render it reasonable to deny, and necessary to resist it. To prove this he went through the history of the several

steps by which the authority of Parliament had been denied, because it had been abused. At first, the Americans being pressed by Parliament not chusing to leave them their old privilege, whether that privilege was by law, custom, or mere indulgence, of taxing themselves internally, denied only our right of internal taxation. However, it was soon proved to them, by argument and practice, that an external tax could be made to answer all the purposes, and to produce all the mischiefs, of internal taxation. They then denied the right of taxing for supply. Parliament next proceeded violently to deprive them of their charters, and to make other acts for the regulation of their government; then they denied your power of internal legislation. But still in the midst of all their violence and all their provocation thereto, they had never hitherto formally rejected the power of Parliament to bind their trade. But the British legislature was now to convince the Americans, that if but a single branch of legislative power were left to the country, we could make that single power answer all the purposes of a power to tax. This bill, which was to restrain their commerce until they submitted, until they ceased to resist our taxing authority, and, indeed, whatever else was thought fit to be imposed on them, would convince, he said, the Americans, that this power, thus used, might be made by far the most oppressive, and worse than any of those they had hitherto denied. He was quite satisfied, that the bill was meant for nothing else but to exasperate the colonies into open and direct rebellion. Hitherto rebellion was only asserted, and that ambiguously, of one colony. It would from this bill probably become apparent, and universal in all; and thus give an opportunity for drawing the sword, and throwing away the scabbard. He indeed acquitted the ministry of a design of raising a rebellion for the mere purpose of havoc and destruction; but said, that as by their injudicious measures they had brought the colonies into a state of the greatest disobedience, disorder, and confusion, without being at the same time within the legal description of rebellion, this was a state of things full of the greatest difficulties, and in which it required the utmost nicety to conduct government. But when things were brought to the length of rebellion, the course of proceeding, however desperate, was simple and obvious: and as by this act all means of acquiring a livelihood, or of receiving provisions were cut off, no other alternative was left, but starvation or rebellion.

The motion was supported by Lord Howe, the Solicitor-General of Scotland (Mr. Henry Dundas), and Mr. Jenkinson; and opposed by Mr. Fox, Mr. T. Townshend, and Mr. Burke. The

question being put, that the Bill, with the Amendments, be ingrossed; the House divided:

	Tellers.			*Tellers.*	
YEAS	Lord Lisburne, Mr. Dundas	215.	NOES	Mr. T. Townshend, Mr. Burke	61.

So it was resolved in the affirmative.

On the 8th of May, the bill being read a third time, Mr. Hartley moved, that the following clause be added by way of ryder: "That nothing in the act shall extend to prohibit the importation into any or either of the said provinces, of any fuel, meal, corn, flour, or victual, which shall be brought coastwise from any part of the continent of America." This motion brought before the House, in aggravated colours, the question of involving in one common famine the friend and the foe of government; the resisting adult, the feeble infant, the pregnant female, and the decrepid elder. The clause was opposed by Lord North, Lord Clare, Governor Pownall, and Mr. Henry Dundas. Mr. Burke observed, that the bill not only had taken from these people the means of subsisting themselves by their own labour, but, rejecting the clause now proposed, took from them the means of being subsisted by the charity of their friends. "You had reduced the people to beggary," said he, "and now you take the beggar's scrip from them. You even dash from the mouth of hunger the morsel which the hand of charity would stretch out to it."

Mr. Fox said: I think, Sir, you have now, by refusing this proposition, completed the system of your folly. You had some friends yet left in New England. You yourselves made a parade of the number you had there. But you have not treated them like friends. Rather than not make the ruin of that devoted country complete, your friends are to be involved in one common famine! How must they feel, what must they think, when the people against whom they have stood out in support of your measures, say to them, "You see now what friends in England you have depended upon; they separated you from your real friends here, while they hoped to ruin us by it; but since they cannot destroy us without mixing you in the common carnage, your merits to them will not now save you; you are to be butchered and starved indiscriminately with us! What have you to look to for support but resistance? You are treated in common with us as rebels, whether you rebel or not. Your loyalty has ruined you. Rebellion alone — if resistance is rebellion — can save you from famine and ruin." When these things are said to them, what can they answer? What part have they to take? They must resist in common with those with whom you have united them in ruin. I thought your measures were intended to divide the people. But when you mean to destroy, you unite all, because you wish to destroy

all. Thus much I thought it right to say, that I might mark the spirit of your measures.

On the motion, that the said clause be read a second time, the House divided:

	Tellers.			*Tellers.*	
YEAS	Mr. Hartley, Mr. Byng	58.	NOES	Lord Stanley, Mr. Cooper	188.

So it passed in the negative. The Bill was then passed. Before the House was adjourned,

Mr. Fox took occasion to say, that the noble lord (North) from the beginning had taken care to lead the House blindfold; and would, he was certain, continue to do so, till he found some personal convenience in acting otherwise. He pronounced confidently, that the bill just passed could not succeed; and desired the noble lord to recollect his words, and at the same time not to come to Parliament, and tell them, though the measure miscarried, it was their measure, for, if they had not framed, they had, after the fullest deliberation, approved of it. The fact was the very reverse, as the noble lord had been both the framer and approver; for by the arts of misinformation on one hand, and the want of any material information on the other, Parliament had been persuaded into an approbation of his measures.

MR. BURKE'S MOTION FOR BRINGING UP A REPRESENTATION AND REMONSTRANCE FROM THE GENERAL ASSEMBLY OF NEW YORK.

May 15.

MR. BURKE acquainted the House, that he had received a paper of great importance from the General Assembly of the province of New York; a province which yielded to no part of His Majesty's dominions in its zeal for the prosperity and unity of the empire, and which had ever contributed, as much as any, in its proportion, to the defence and wealth of the whole. He observed, that it was a complaint, in the form of a Remonstrance, of several Acts of Parliament, some of which, as they affirmed, had established principles, and others had made regulations, subversive of the rights of English subjects. That he did not know whether the House would approve of every opinion contained in the paper; but that as nothing could be more decent and respectful than the whole tenor and language of the Remonstrance, a

mere mistake in opinion, upon any one point, ought not to prevent their receiving it, and granting redress on such other matters as might be really grievous, and which were not necessarily connected with that erroneous opinion. He represented this direct application from America, and dutiful procedure of New York, in the present critical juncture, as a most desirable and even fortunate circumstance; and strongly urged, that they never had before them so fair an opportunity of putting an end to the unhappy disputes with the colonies as at present; and he conjured them, in the most earnest manner, not to let it escape, as possibly the like might never again return. He then moved, "That the Representation and Remonstrance of the General Assembly of the Colony of New York be brought up." It was contended, in opposition to the motion, that the honour of Parliament required that no paper should be received by that House, which tended to call in question its unlimited authority; that they had already relaxed in very essential points, but they could not hear any thing which tended to call in question their right of taxation; that the Declaratory Act must be repealed, before such a paper was admitted to be brought up; that the House never received even petitions of that nature; but that here the name of a petition was studiously avoided, lest any thing like an obedience to Parliament should be acknowledged. Lord North accordingly moved an amendment, which was an indirect though effectual negative upon the motion, by inserting after the word "Remonstrance" the words "in which the said Assembly claim to themselves rights derogatory to, and inconsistent with, the legislative authority of Parliament, as declared by the said act." The amendment was supported by Mr. Cornwall and Mr. Jenkinson, and strongly opposed by Mr. Cruger, Mr. Aubrey, Mr. Fox, and Governor Johnstone.

Mr. Fox said, the right of Parliament to tax America was not simply denied in the Remonstrance, but only as coupled with the exercise of it. The exercise was the thing complained of, not the right itself. When the Declaratory Act was passed, asserting the right in the fullest extent, there were no tumults in America, no opposition to government in any part of that country: but when the right came to be exercised in the manner we have seen, the whole country was alarmed, and there was an unanimous determination to oppose it. The right simply is not regarded; it is the exercise of it that is the object of opposition. It is this exercise that has irritated, and made almost desperate several of the colonies; but the noble lord (North) chuses to be consistent; he is determined to make them all mad alike. The only province that was moderate, and in which England had some friends, he now treats with contempt. What will be the consequence, when the people of this moderate province are informed of this treatment? That Representation which the cool and

candid of this moderate province had framed with deliberation and caution, is rejected, is not suffered to be presented, no, not even to be read by the clerk. When they hear this, they will be inflamed, and hereafter be as distinguished by their violence, as they have hitherto been by their moderation. It is the only method they can take to regain the esteem and confidence of their brethren in the other colonies, who have been offended at their moderation. Those who refused to send deputies to the congress, and trusted to Parliament, will appear ridiculous in the eyes of all America; it will be proved, that those who distrusted and defied Parliament, had made a right judgment; and those who relied upon its moderation and clemency, had been mistaken and duped. The consequence of this must be, that every friend the ministers have in America, must either abandon them, or lose all credit and every means of serving them in future.—The noble lord acknowledges the Quebec duties are not laid exactly as they ought to be. This matter is not introduced into the Remonstrance on account of its being a grievance; but to shew how extremely ignorant the present ministers are of the proper mode of American taxation. What is there to hinder the people of New York from trading with the interior country as before? Every thing is just the same; there are no troops to hinder their passing and repassing as usual. Is there so much as an officer to receive that duty which is directed to be paid? It is mentioned, to convince you of your ignorance in taxing America. You make an act of parliament to raise a revenue in that country, and you not only make a capital blunder in it, but stumble at the threshold of collecting it.

The House divided on Lord North's Amendment: Yeas 186: Noes 67. So it was resolved in the affirmative. After which the motion for bringing up the Remonstrance was negatived.

AMENDMENT TO THE ADDRESS OF THANKS ON THE KING'S SPEECH AT THE OPENING OF THE SESSION.

October 26.

AT the Opening of the Session on the 26th of October, an Address of Thanks being proposed, and which, as usual, was an echo of the Speech from the Throne, Lord John Cavendish moved

an Amendment, by leaving out the whole, except the introductory paragraph, and substituting the following: "That we behold with the utmost concern the disorders and discontents in the British colonies rather increased than diminished by the means which have been used to suppress and allay them; a circumstance alone sufficient to give this House just reason to fear, that those means were not originally well considered, or properly adapted to answer the ends to which they were directed.—We are satisfied, by experience, that this misfortune has, in a great measure, arisen from the want of full and proper information being laid before Parliament of the true state and condition of the colonies, by reason of which, measures have been carried into execution injudicious and inefficacious, from whence no salutary end was reasonably to be expected, tending to tarnish the lustre of the British arms, to bring discredit on the wisdom of His Majesty's councils, and to nourish, without hope of end, a most unhappy civil war.—Deeply impressed with a sense of this melancholy state of the public concerns, we shall, on the fullest information we can obtain, and with the most mature deliberation we can employ, review the whole of the late proceedings, that we may be enabled to discover, as we shall be most willing to apply, the most effectual means for restoring order to the distracted affairs of the British empire, confidence to his Majesty's government, obedience, by a prudent and temperate use of its powers, to the authority of Parliament, and satisfaction and happiness to all his people.—By these means, we trust, we shall avoid any occasion for having recourse to the alarming and dangerous expedient of calling in foreign forces to the support of His Majesty's authority within his own dominions, and the still more dreadful calamity of shedding British blood by British hands." This Amendment brought on a series of long and interesting debates, which were conducted with the utmost eagerness and unceasing energy on both sides.

Mr. Fox described Lord North as the blundering pilot who had brought the nation into its present difficulties. Administration, he said, exult at having brought us into this dilemma. They have reason to triumph. Lord Chatham, the King of Prussia, nay, Alexander the Great, never gained more in one campaign than the noble lord has lost—he has lost a whole continent. Although he thought the Americans had gone too far, and were not justifiable in what they had done, yet they were more justifiable for resisting, than they would have been had they submitted to the tyrannical acts of a British parliament:—for, when the question was, whether a people was to submit to slavery, or to aim at freedom by a spirited resistance, the alternative which must strike every Englishman was, the choice of the latter. He took occasion to speak of his father, and the fluctuation of ministers at the commencement of the last war. He said, that his father was secretary of state only four months, when finding himself

without power, and merely a nominal minister, he had done, as every man of spirit should do on such an occasion—he had given up his place. He then applied this observation to the noble lord on the treasury-bench, and in a very pointed manner intimated, that it was high time a change of men should take place, in order that a change of measures might accompany it. He took occasion to mention the political distinction of Whig and Tory, and, describing the present ministers as enemies to freedom, declared they were Tories. He made a comparison between the conduct of administration and the conduct of America, shewing the weakness, error, and imprudence of the former, and the firmness, spirit, and just pursuits of the latter. He combated the argument in the King's Speech, which inferred that America aimed at independency; and by a chain of reasoning, shewed, that to be popular in America it was necessary to talk of dependance on Great Britain, and to hold that out as the object in pursuit. He rallied Lord North on the rapid progress he had made in misfortune, having laid out nearly as large a sum to acquire national disgrace, as that most able minister Lord Chatham had expended in gaining that glorious lustre with which he had encircled the British name. He did not approve of every thing that had been done by Lord Chatham, but all must confess his great and surprising talents as a minister. He declared opposition to be cordially united in every part. He retorted on administration for their having last year roused the younger part of the House by their appeals to the spirit of Englishmen to enforce vigorous measures, and asked whether that spirit was discernible in the pitiful party of the military sent to Boston, or in the vigorous measures of that party; declaring, that if the spirit the ministry had appealed to was still in existence, it would not be possible for them to keep their places. After severely rebuking them for endeavouring to shift the blame from themselves to General Gage, he concluded with advising administration to place America where she stood in 1763, and to repeal every Act passed since that period, which affected either her freedom or her commerce.

At four in the morning the House divided upon the Amendment: Yeas 108: Noes 278. The original Address was then agreed to. When the report was brought up on the following day, Mr. Cornwall took occasion to make some remarks on the conduct of the late Lord Holland, when secretary of state, at the beginning of the late war, in allusion to what had been said by Mr. Fox on the preceding evening, and concluded by an attack on the Duke of Grafton for his desertion. Upon this,

Mr. Fox rose in order to vindicate his father, and defend the noble duke; but as he quoted the speech the noble duke had made the night before in the House of Lords, he was called to order. He protested that he had been deceived by the minister; he had been taught to believe that Government had so many friends in America, that the appearance of a few regiments there would secure an obedience to our laws, and ensure peace; that upon this principle he voted for sending over the forces last session: peace was his object in that measure; but now that the minister declared himself for war, he could not but oppose his proceedings. He could not consent to the bloody consequences of so silly a contest about so silly an object, conducted in the silliest manner that history, or observation, had ever furnished an instance of; and from which we were likely to derive nothing, but poverty, disgrace, defeat, and ruin.

RETURNS OF THE BRITISH ARMY IN AMERICA.

November 1.

COLONEL Barré moved, "That there be laid before the House an Account of the last Returns of the number of effective men, in the several regiments and corps in His Majesty's service, serving in North America, together with a state of the number of sick and wounded; distinguishing the several places where the said troops are stationed." The secretary at war, Lord Barrington, said, he knew of no precedent of such a motion being agreed to. To call during a war, for the returns of an army, had, indeed, been attempted, but was always opposed, as a practice which might prove exceedingly inconvenient. Mr. Thomas Townshend contradicted the noble lord, and produced a precedent completely in point.

Mr. Fox said:—It is evident from what has passed, that the plea of acting contrary to precedent will not avail the noble lord. What, therefore, is the true reason for the ministers refusing to lay the information called for before the House? Merely, I assert, to keep Parliament in ignorance. Was the fair truth to be laid before the House, the demands of ministers would be found to be inconsistent with the facts they produced. This was the case last session; they have kept back all information, and have imposed on the House in order to get the cry of the people before the extent of the evil was

known. But, said he, they have taken care, to a degree of affectation, to inform you that it is the rights not of the Crown but of Parliament, for which they are fighting; and yet, with an inconsistency worthy only of themselves, they will not allow Parliament the least information to know how to fight for those rights which they say are peculiarly its own. This is the conduct, Sir, which has driven from them some of the most manly and respectable characters in the kingdom. They were deceived; they openly tell these men who call themselves ministers, "You deceived us; you would not let us know the state either of America, or of the force you had there to quell the disturbances: acting thus in the dark, we were led into error, but we will not persist in it; we know your intentional deceit, and we leave you." This, Sir, is also the case with parliament; and the only remedy is for Parliament to imitate the conduct of those manly characters, by refusing to vote away the money of their constituents for measures about which they are absolutely in the dark.

The House divided: Yeas 63: Noes 170.

Bill for Embodying the Militia.

November 2.

THE King, in his Speech to both Houses at the Opening of the Session, informed them, "That he had sent to the garrisons of Gibraltar and Port Mahon, a part of his Electoral troops, in order that a larger number of the established forces of this kingdom might be applied to the maintenance of its authority; and the national Militia, planned and regulated with equal regard to the rights, safety, and protection of his crown and people, might give a farther extent and activity to our military operations." In consequence of this passage, a Bill for embodying the Militia was brought in. On the motion for the second reading, the Bill was warmly opposed by Mr. Dunning, Mr. Thomas Townshend, Mr. Burke, and Mr. Fox.

Mr. Fox declared he did not think so meanly of the understandings of the present ministry, as to suppose they would leave this country without an army of some kind. He approved of a militia as a succedaneum for an army, but by the present bill they were evidently to serve as a part of the army itself. He then entered into a definition of the original

meaning and intention of the English militia, and laid it down as a doctrine, that formerly a militia-man was merely armed and disciplined, that he might, when danger was at his door and pressed upon him, defend himself. He said, that he should certainly be against the introduction of foreign troops, and was also against a standing army; that the purpose of the present bill was to create a standing army, and to increase the power of the crown; that he saw no difference between a standing army of regulars, and a standing army of militia, whom the King could call out whenever he pleased; for that in this country, and every other extensive dominion, there would always, in some part or other, be a riot, which the minister might think proper to call a rebellion. There might be a disturbance among the negroes in Jamaica, in Bengal, or in any other distant place, which might serve as a pretext for embodying the militia. That many gentlemen would frequently be embarrassed who served in it, by being put upon disagreeable duty; and that at present, if he was a militia officer, he would resign. He concluded with declaring, that administration were taking advantage of the present situation of affairs, to put the people under martial law; that all the late American acts tended to increase the power of the crown, and to demolish the rights of the people; and that as the present bill evidently would have that effect, he should oppose it.

On the motion for the second reading, the House divided: Yeas 259: Noes 50.

American Prohibitory Bill.

November 20.

LORD NORTH moved, "That leave be given to bring in a Bill, to prohibit all trade and intercourse with the colonies of New Hampshire, Massachuset's Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, the three lower counties on Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, during the continuance of the present rebellion within the said colonies respectively; for repealing an Act, made in the 14th of his present Majesty, to discontinue the landing and discharging, lading or shipping, of goods, wares, and merchandize, at the town and within the harbour of Boston, in the province of Massachuset's Bay; and also two Acts, made in the last session of parliament, for restraining the trade and commerce of the colonies

in the said Acts respectively mentioned: and to enable His Majesty to appoint commissioners, and to issue proclamations in the cases and for the purposes therein to be mentioned."

Mr. Fox said, that this proposition was cutting off and destroying all trade with America. Even if the noble lord's other measures had not done it, this would effectually. Though the House had not at present the manufacturers at their door, he prophesied they would have them next year. The true intention of this Bill was, to break up the manufacturers, who, through want of subsistence, would be obliged to enlist. and thus the noble lord thought he should be enabled to fill the ranks of that army which would not otherwise be recruited. As the noble lord had now proposed the repeal of three oppressive Acts, he begged to ask him, as a man of honour and a gentleman, whether he did not wish that he had adopted the opinion of the noble duke (of Grafton) who was first lord of the treasury, when the repeal of the tea duty was moved in that House, and supported it? He repeated, that there were differences of opinions amongst persons high in office at that time; and he asked the noble lord whether he did not now wish he had been of opinion with those who were for repealing that duty, because they saw, and therefore wished to avoid, that chain of misfortunes, which the continuance of it had drawn after it? This proposition of peace, he said, like that of last year, was meant to lead on this country under a delusion of flattering hopes of peace; and to endeavour to deceive, which it would not do, the Americans into a belief, that this country wished for a peace of the description which the noble lord held out, or was unanimously determined to prosecute the war, if such peace could not be effected. The whole was insidious, and therefore could have no other effect upon the Americans than to destroy their confidence in government, if any such yet remained. If the Americans should believe the spirit of this country was unanimous against their rights, they had nothing to do but prepare immediately for war, as their only defence against a system of despotism. This proposition, therefore, was a declaration of perpetual war; and were he to give his vote for it, he should consider himself as giving his vote for a declaration of war. However, as he had always said that he would support any measure of reconciliation, he should go so far with the noble lord, as the repeal of the three Acts he had mentioned. Therefore he should move the following Amendment: To leave out from the word "Bill" to the words "for repealing," and from the words "respectively mentioned," to the end of the question.

This Amendment, which went to the omission of Lord North's proposition, except what related to the repeal of the Boston Port, the Fishery, and the restraining Acts, occasioned very warm debates and much animadversion, which continued till after midnight, when the Amendment was rejected upon a division, by a majority of 192 to 64.

December 8.

The order of the day being read for receiving the Report of the American Prohibitory Bill, Lord North moved, that the Amendments made in the Committee be agreed to. Upon this occasion,

Mr. Fox said:—I have always given it as my opinion, that the war now carrying on against the Americans is unjust; but admitting it to be a just war, admitting that it is practicable, I insist that the means made use of, are not such as will obtain the end. I shall confine myself singly to this ground, and shew that this Bill, like every other measure, proves the want of policy, the folly and madness, of the present ministers. I was in great hopes, that they had seen their error, and had given over coercion, and the idea of carrying on war against America by means of acts of parliament. In order to induce the Americans to submit to your legislature, you pass laws against them, cruel and tyrannical in the extreme. If they complain of one law, your answer to their complaint, is to pass another more rigorous than the former. But they are in rebellion, you say; if so, treat them as rebels are wont to be treated. Send out your fleets and armies against them, and subdue them; but let them have no reason to complain of your laws. Shew them, that your laws are mild, just, and equitable, that they therefore are in the wrong, and deserve the punishment they meet with. The very contrary of this has been your wretched policy. I have ever understood it as a first principle, that in rebellion you punish the individuals, but spare the country; but in a war against the enemy, it is your policy to spare the individuals, and lay waste the country. This last has been invariably your conduct against America. I suggested this to you, when the Boston Port Bill passed. I advised you to find out the offending persons, and to punish them; but what did you do instead of this? You laid the whole town of Boston under terrible contribution, punishing the innocent with the guilty. You answer, that you could not come at the guilty. This very answer, shews how unfit, how unable you are, to govern America. If you are forced to punish the innocent to come at the guilty, your government there, is, and ought to be at an end. But, by the bill now before us, you not only punish those innocent persons who are unfortunately

mixed with the guilty in North America, but you punish and starve whole islands of unoffending people, unconnected with, and separated from them. Hitherto the Americans have separated the right of taxation from your legislative authority; although they have denied the former, they have acknowledged the latter. This Bill will make them deny the one as well as the other, "What signifies," say they, "your giving up the right of taxation, if you are to inforce your legislative authority in the manner you do. This legislative authority so inforced, will at any time coerce taxation, and take from us whatever you think fit to demand." The present is a Bill which should be entitled, a Bill for carrying more effectually into execution the resolves of the Congress.

The question being put on Lord North's motion, the House divided: Yeas 143: Noes 38.

Mr. Fox's Motion for an Account of the Expence of the British Army in America.

November 22.

MR. FOX moved, "That there be laid before this House, an Account of the Expences of the staff, hospitals, extraordinaries, and all military contingencies whatsoever, of the army in America, from August 1773 to October 1775, inclusive." He said, he had drawn up the motion in these words, because it would lay open an astonishing scene of ministerial delusion held out by the pretended estimate laid before the House a few days ago. It would bring the staff into the full glare of day, which had been hitherto artfully held back; it would shew, that the expence of the ordnance this year had exceeded any one of the Duke of Marlborough's campaigns, while in the midst of repeated victories, he was immortalizing the British name; and it would convince the greatest court infidels, of the temerity of the minister, who, to the very last day of the session, insisted and declared, that the military service, in every branch, and under every description, was amply provided for; that all his arrangements were made; and who thus durst, in the bare article of the ordnance alone, incur a debt of upwards of 240,000*l.* He said it would be a farce to sit any longer in that House, if accounts of this nature were refused; that the motion was parliamentary; that it

would convey no secret to the enemy; and within his own knowledge or reading, he never heard of an instance where such information was denied, unless in cases where it was impossible to comply with them; such as the accounts desired not having been received, or officially made up. Aware of this, he would be perfectly satisfied with copies of those already come to hand, or of gross computations made by estimate, and wait with pleasure for the remainder, till the ministry could venture to face the public, and an ensured majority, with the disgraceful contents.

The motion, after being opposed by Lorth North and Mr. Jenkinson, and supported by Mr. Thomas Townshend, Mr. Hartley, Mr. Burke, and Sir George Savile, was negatived without a division.

Mr. Fox's Motion for an Enquiry into the Causes of the ill Success of the British Arms in North America.

February 20, 1776.

THE intelligence received from America in the course of this Session, gave rise to several motions for papers and for enquiry. The first effort was made by Mr. Fox, who this day addressed the House as follows:

Mr. Fox said, that he should not trespass on the patience and good sense of the House, by recapitulating the cause of the present unhappy disputes with America. He should not develope that system, whence the measures now carrying on were supposed to originate. He should forbear to animadvert upon a system, that in its principle, complexion, and in every constituent part, gave the fullest and most unequivocal proofs that its ultimate design was the total destruction of the constitution of this free form of government. These were assertions that might be disputed. People who had, or perhaps had not, the best opinion of the abilities of those in power, might have a confidence that they intended nothing ill. Others, though they disapproved of their general conduct, might think them the dupes of their secret supporters; and even such as thought the most indifferently of them would be disposed to look upon them rather as tools, than arraign them as principals in so unnatural and horrid

a conspiracy against the liberties of their country. But what might be the secret designs of a junto, or the venal alacrity of the despicable cyphers they employed to effect their traitorous purposes, was, he said, to be no part of the subject of enquiry that day. He did not mean to teaze or insult the House with idle surmises, with vague suspicions, leading to partial deductions or speculative charges, conceived and spun out of his own brain; but wished to draw their attention to certain well known, indisputable, uncontrovertible facts. His proposed enquiry would not be directed to ascertain the rights of Great Britain, or the subordinate claims of America; to explain the constitutional connection between taxation and representation; what was rebellion, or what legal resistance; or whether all America ought to have been punished and proscribed for the intemperate zeal or disobedience of a Boston mob. He did not even mean to dispute or controvert the expediency; nor in short, a single ministerial ground, on which the present measures respecting America were taken up, pursued, and defended. Those were all, for this day at least, to be absolutely laid aside. For argument sake he would allow, that administration had acted perfectly right; but while he granted this, he would take up the matter from the very instant administration had agreed upon a plan of coercion. This æra he fixed at the time the minister first proposed certain Resolutions to the House in February 1774, as a ground of complaint, and followed it with the famous Boston Port Bill.

He then entered into an historical detail of the means employed to carry this plan of coercion into effect, in which he painted in the strongest colours, and held to view in the most striking lights, such a scene of folly in the cabinet, of servile acquiescence in parliament, and of misconduct and ignorance in office and in the field, as had never before disgraced this nation, or indeed any other. He added, that our ministers wanted both wisdom and integrity; our parliaments, public spirit and discernment; and that our commanders by sea and land, were either deficient in abilities, or, which was the most probable, had acted under orders that prevented them from executing the great objects of their command. No man could say but there had been mismanagement and misconduct somewhere. It was the chief object of his intended motion, to gain that species of information, which might be the means of discovering the true causes of both. Public justice demanded such an enquiry. The individuals on whom the obloquy rested, were entitled to be heard in their own defence. To withhold the information necessary to their justification, would be an insult to the nation, as well as an act

of private injustice. None but the guilty could wish to evade it. No man as a soldier or sailor, be his rank ever so high, was sure of his honour a single minute, if he was to be buried under public disgrace, in order to protect, or palliate the blunders and incapacity of others. If the ministers had planned with wisdom, and had proportioned the force to the service; if the great officers in the several efficient departments, had done all that depended on them, ably and faithfully, then it was plain, that the whole of the miscarriages that had happened might be deservedly imputed to our naval and military commanders, If, on the other hand, the latter had acquitted themselves according to their instructions, and had carried on their operations in proportion to the force given them, it was no less plain, that the cause of all the disgraces the British arms had suffered, arose from ignorance in those who planned, and incapacity and want of integrity in those to whom the carrying them into execution was in the first instance entrusted.

He then recapitulated a variety of circumstances to prove his general allegations, and entered into the conduct of administration respecting Canada, and repeated several arguments used at the time of passing the Quebec Act, predicting what had since literally happened. He concluded by making the following motion: "That it be referred to a Committee, to enquire into the Causes of the ill Success of His Majesty's Arms in North America, as also into the Causes of the Defection of the People of the Province of Quebec."

The Ministry seemed exceedingly embarrassed in this debate. The weight of defence, or rather of evading the enquiry, fell principally upon the gentlemen in inferior or less responsible office. Lord Clare moved the previous question, and was supported by Lord Mulgrave, Sir Gilbert Elliot, Mr. Welbore Ellis, the Solicitor General, and Lord North. The principal objections to the enquiry were the unfitness of the time, the unfortunate situation of ministers, who had preferred trying measures of lenity to absolute force, and had thus afforded the Americans many advantages. A powerful fleet and army were now to be employed, and would doubtless crush the rebellious, or bring them back to a proper sense of duty. Lord North appealed to the candour and recollection of the House: nothing had been transacted in a corner, but openly, and under the sanction of their repeated approbation. It was not candid, he said, in an early period of the dispute, to state objections against the conduct of administration, which were only applicable to a state of hostility and open rebellion; the ground was changed, and the measures would necessarily vary. Mr. Fox's motion was seconded by Lord Ossory, and supported by Mr. Thomas Townshend, Mr. Fitzpatrick, Mr. Dampster,

Mr. William Adam, Governor Johnstone, Mr. Cruger, Mr. Burke, and Colonel Barré.

The previous question being put, That the said first proposed question be now put; the House divided:

	Tellers.			*Tellers.*	
YEAS	Mr. Fox Sir J. Lowther	104.	NOES	Lord Mulgrave Mr. C. Townshend	240.

So it passed in the negative.

THE BUDGET.

April 24.

IN a Committee of Ways and Means, Lord North opened the annual Budget. As soon as the noble lord had moved his Resolutions, Governor Johnstone rose and observed, that it was a little extraordinary that the Gallery of the House should be open on that day, seeing that it had been shut upon almost every other, since the commencement of the session, on which matters of importance had come under discussion. He assured the House he was always pleased to see the Gallery as full as the convenience of the members would permit; but the admission of strangers on such a day as this, which gave the minister an advantage over his opponents, by giving any sentiments as his own, and imputing any sentiments he pleased to others, fully convinced him that the noble lord's influence extended to every matter relative to the conduct and ordering of that House, be the occasion ever so trivial or important. If strangers were to be shut out one day, none could be at a loss to know whence the mandate originated: if the gallery was to be open on another day, it was equally evident to whom the public were indebted for the indulgence.

Mr. Fox animadverted with some humour and great asperity, on the irregular conduct of the House respecting the opening of the gallery doors, asserting that the public had a right to hear in what manner their representatives discharged their duty; and that the gallery being open or shut should depend on the will of any one or two persons, was exceedingly unfair. He dwelt a considerable time on this point, and after declaring that he knew that the gallery had been opened on a whisper from the noble lord, when he was prepared to say any thing likely to produce a popular effect; he went so far as to assert, that in his opinion it was a breach of the constitution to prevent the public from hearing their proceedings. To the Resolutions offered by the noble lord, he said, he

should give his flat negative, and that not because of any particular objections to the taxes proposed (although there might be sufficient ground for urging many), but because he could not conscientiously agree to grant any money for so destructive, so ignoble a purpose, as the carrying on a war commenced unjustly, and supported with no other view than to the extirpation of freedom, and the violation of every social comfort. This, he said, he conceived to be the strict line of conduct to be observed by a member of parliament; and to shew that it was justifiable, he found himself necessitated to state the case of the American quarrel, for as strangers were admitted but for one day, it was necessary for him to repeat what he had often urged. This he acknowledged was rather out of order, but the noble lord must expect that the irregularity of his own conduct would give rise to an irregular debate. Mr. Fox then, in a very masterly manner, painted the quarrel with America as unjust, and the pursuance of the war as blood-thirsty and oppressive. He said, it had been repeatedly urged that the Americans aimed at independence, and therefore ought not to be treated with till they laid down their arms; nothing could be more absurd than this sort of argument; it would have been just as ridiculous, if in our war with Louis the 14th, who was said to aim at universal monarchy, we had declined to treat respecting the provinces of Alsace and Lorrain, on account of the report of his aiming at universal monarchy.—After expressing his opinion of the quarrel, and justifying America with that rapid flow of words and that spirit and force of argument, for which Mr. Fox was distinguished, he at length took notice of the Resolutions offered by the noble lord, and in particular spoke of the intended additional stamp on newspapers, which he urged as impolitic and unfair while the ministerial brochures remained unstamped. He said he was far from being a friend to the licentiousness of the press, although he revered its freedom. The papers were intolerably licentious, and injurious to the peace of private families; but the noble lord had given rise to their insatiable rage for calumny, by suffering his hirelings to abuse the gentlemen in opposition in terms of the most daring nature. He observed, that the press at this time teemed with ministerial publications, many of which deserved the severest censure; and that the pamphlet, entitled, "A History of the Thirteenth Parliament of Great Britain," was a libel on that House, a libel of the most impudent kind, and yet it had passed unnoticed. The noble lord had very triumphantly held up, as a proof of the freedom of the press, the information that twelve million and upwards of newspapers were stamped in one year; he begged the noble lord

to consider that there were nearly twelve million of people in the kingdom; the noble lord, therefore, only proved, that every man in the realm might buy one paper in the course of the year.—This was the first time he had ever heard that a law-suit was a luxury, but the noble lord had clearly made it appear, from the flattering picture of our resources which he had just presented, that the war with America was a luxury, and a luxury of the most frivolous and reprehensible kind; for the noble lord told the House we were able to provide supplies equal to any necessity, and yet he was pursuing an inhuman, unnatural war, for the sake of a trifling and uncertain revenue. He, however, rather believed what the noble lord had said in the House when strangers were not in the gallery, than what had been so triumphantly stated by him this day; for he was sure his declaration of the people's wealth could only be proved by admitting the doctrine, that when, by any tax, four shillings in the pound were taken from a subject he was greatly obliged, as he was in fact given the remaining sixteen shillings. After a great deal of very poignant matter, Mr. Fox sat down, repeating, that he gave his flat negative to the Resolutions.

The Speaker rose, and observing that from what had fallen from the two honourable gentlemen, his conduct might appear blameable, respecting the opening of the gallery, begged to explain the reason of it, and to take the blame on himself, if there was any. The standing order of the House was known to every gentleman, and it was his duty to enforce it, whenever it was desired to be read. An honourable gentleman had, at an early period of the session, desired it to be read; he had ever since punctiliously kept to it: but, as this was a day of money business, when it was usual to admit strangers, he conceived the House would wink at a relaxation from the general rule; he had therefore told the Serjeant to admit strangers into the gallery; but if he had gone too far, he asked pardon of the Committee.

Mr. Fox said, he by no means blamed the Speaker, as he was conscious no officer acted with more uprightness and impartiality; but he was sure the gallery ought to be opened, and he heartily wished the House would follow the example of the other assembly, who now admitted strangers. He sincerely wished the standing order to be rescinded or amended, and if neither could be done, he wished the present bad method should be pursued, in preference to a total prevention of the admission of strangers.

AMENDMENT TO THE ADDRESS OF THANKS ON THE KING'S SPEECH AT THE OPENING OF THE SESSION.

October 31.

THE Session was this day opened with a Speech from the Throne. The King declared that, "Nothing could have afforded him so much satisfaction as to have been able to state, that the troubles which had so long distracted the colonies in North America were at an end; and that his unhappy people, recovered from their delusion, had delivered themselves from the oppression of their leaders, and returned to their duty. But so daring and desperate was the spirit of those leaders, whose object had always been dominion and power, that they had now openly renounced all allegiance to the crown, and all political connection with this country: they had rejected, with circumstances of indignity and insult, the means of conciliation held out to them under the authority of our commission; and had presumed to set up their rebellious confederacies for independent states. If their treason was suffered to take root, much mischief must grow from it, to the safety of the loyal colonies, to the commerce of the kingdoms, and indeed to the present system of all Europe. The success of the British arms gave the strongest hopes of decisive good consequences; but notwithstanding this fair prospect, it was necessary to prepare for another campaign: he recapitulated the pacific assurances of the European powers, and observed, he could have in this arduous contest no other object but to promote the true interest of his subjects. No people ever enjoyed more happiness, or lived under a milder government, than the revolted provinces, a fact proved by their progress in the arts, their numbers, their wealth, and strength by sea and land, which inspired an overweening confidence. He was desirous to restore to them the blessings of law and liberty, equally enjoyed by every British subject, which they had fatally and desperately exchanged for the calamities of war, and the arbitrary tyranny of their chiefs." An Address of Thanks, framed in the usual manner, was proposed by Mr. Neville. To this an amendment was moved by Lord John Cavendish, and seconded by the Marquis of Granby, totally altering all the sentiments of the original. It began by affirming, that the disaffection and revolt of a whole people could not have taken place without great errors in conduct towards them. These errors were imputed to a want of sufficient information in parliament, and a too implicit confidence in ministers. Hence schemes for the reduction and chastisement of a supposed inconsiderable party of factious men, had driven thirteen large provinces to despair: a hearing had been refused to the reiterated complaints and petitions of the colonists; and commissioners, nominated for the apparent purpose of making peace, were furnished with no legal power but that of giving or withholding pardons at pleasure. His Majesty, instead of sending out commissioners, ac-

cording to the promise in his speech at the beginning of the last session, as speedily as possible, had not dispatched them till seven months afterward; consequently the inhabitants of the colonies, apprized that they were put out of the protection of government, and seeing no means provided for their return, were furnished with reasons but too colourable for breaking off their dependency on the crown of this kingdom. It concluded with the following declaration; "We should look with the utmost shame and horror, on any events that should tend to break the spirit of any large part of the British nation; to bow them to an abject unconditional submission to any power whatsoever; to annihilate their liberties, and to subdue them to servile principles and passive habits, by the mere force of foreign mercenary arms; because, amidst the excesses and abuses which have happened, we must respect the spirit and principles operating in these commotions. Our wish is to regulate, not to destroy them; for though differing in some circumstances, those very principles evidently bear so exact an analogy with those which support the most valuable part of our own constitution, that it is impossible, with any appearance of justice, to think of wholly extirpating them by the sword, in any part of His Majesty's dominions, without admitting consequences, and establishing precedents, the most dangerous to the liberties of this kingdom." Governor Johnstone reprobated the minister's Speech, as an entire compound of hypocrisy. The Amendment was also supported by Mr. Wilkes, Mr. Temple Luttrell, Mr. Thomas Townshend, Colonel Barré, and Mr. Fox. Lord North repelled the charge of hypocrisy, so freely advanced against that part of the Speech, which stated the King's desire to restore to the Americans law and liberty. Instead of being absurd or hypocritical, it was supported by fact and sound logic; law and liberty were fled from America, but the debate of the day had fully proved, they had not quitted this country. Those who had thrown so many reflections on administration, would have found a grievous difference, had they dared to make so free with the congress. It had always been the wish of administration to bring matters to an early issue, and avoid bloodshed; to use success and victory with prudence and moderation, rather as means of cementing lasting unity and amity, than as objects of triumph, instruments for forging the chains of slavery, or excuses for tyranny and oppression. Lord George Germain expressed his conviction, that General Howe would be able to put New York at the mercy of the King, after which, the legislature would be restored, and an opportunity would thereby be given to the well-affected to declare themselves.

Mr. Fox said, that every circumstance that had fallen out in America, was one aggregate proof, that Opposition had been right last session in all their prophecies, and in every motive they had laid down as the cause of their conduct: nothing could be so farcical as calling for unanimity, in approving measures, because those measures had been uniformly attended with the mischiefs that had been predicted: instead

of applause and approbation, administration deserved nothing but reproach—for having brought the Americans into such a situation, that it was impossible for them to pursue any other conduct than what they had pursued. He went into the independence declared by America, and said, that the Americans had done no more than the English had done against James the Second. When James went out of the kingdom, the English declared the throne to be abdicated, and chose another king. When the late severe laws were passed against the Americans, they were thrown into anarchy; they declared we had abdicated the government, and were therefore at liberty to choose a government for themselves. He was astonished at the sense which the noble lord in the blue ribbon had put upon his conciliatory motion. He affirmed, that the motion contained no such proposition as that now asserted by the noble lord, nor could such a construction be put upon any words in the motion. He desired that the Resolution of the 27th of February 1775 might be read; which was done *. Well, Sir, continued Mr. Fox, is it not clear, that no such proposition was held out by the motion? and is it not extraordinary, that every body should understand the motion, but the author of it? As to the noble lord who spoke last, priding himself on a legislature being re-established in New York, it is the highest absurdity. Who can suppose, that, with an army of 30,000 men there, a legislature will not be found that shall express just that species of law and liberty which the other noble lord wishes to establish in America, and which kings may naturally be supposed to wish to flow from popular assemblies. Sir, it has been very well said, that the Speech is an hypocritical one; and in truth there is not a little hypocrisy in supposing, that a king—I except His present Majesty, who really loves liberty—but that a common king

* "Resolved, That when the governor, council and assembly, or general court of any of His Majesty's provinces or colonies in America, shall propose to make provision, according to the condition, circumstances, and situation of such province or colony, for contributing their proportion to the common defence, (such proportion to be raised under the authority of the general court, or general assembly of such province or colony, and disposable by parliament,) and shall engage to make provision also for the support of the civil government, and the administration of justice, in such province or colony, it will be proper, if such proposal shall be approved of by His Majesty and the two Houses of parliament, and for so long as such provision shall be made accordingly, to forbear, in respect of such province or colony, to levy any duty, tax, or assessment, or to impose any further duty, tax, or assessment, except only such duties as it may be expedient to continue to levy or to impose for the regulation of commerce; the nett produce of the duties last mentioned to be carried to the account of such province or colony respectively."

should be solicitous to establish any thing that depended on a popular assembly. Kings, Sir, govern by means of popular assemblies, only because they cannot do without them; to suppose a king fond of that mode of governing, is to suppose a chimera. It cannot exist. It is contrary to the nature of things; and it is hypocrisy to advance it.

But, Sir, if this happy time of law and liberty is to be restored to America, why was it ever disturbed? It reigned there till the abominable doctrine of gaining money by taxes infatuated the heads of our statesmen. Why did you destroy the fair work of so many ages, in order to re-establish that by the sword, which prudence, and the good government of the country, had seemed to fix for ever? But, Sir, how is this blessed system of law and liberty to be established? By the bayonets of disciplined Germans. The noble lord who spoke last, seemed to pride himself upon the Americans of Long Island making a precipitate retreat. They were out-generalled. Discipline triumphed over the enthusiasm which liberty inspires. Did the noble lord triumph? I pity his feelings. Sir, something has been said on the case of General Clinton: I wish that matter had been more fully explained; as it stands at present, the Gazette account is an infamous libel on the character of that gallant officer. Let administration stand forth, and avow that representation: they will not do it; they dare not do it; they skulk from an open and a fair representation.

We have been told, that it is not for the interest of Spain and France to have America independent. Sir, I deny it;—and say, it is contrary to every principle of common sense. Is not the division of the enemy's power advantageous? Is not a free country engaged in trade less formidable than the ambition of an old corrupted government, their only formidable rival in Europe? The noble lord who moved the amendment, said, that we were in the dilemma of conquering, or abandoning America: if we are reduced to that, I am for abandoning America. What have been the advantages of America to this kingdom? Extent of trade, increase of commercial advantages, and a numerous people growing up in the same ideas and sentiments as ourselves. Now, Sir, would those advantages accrue to us, if America was conquered? Not one of them. Such a possession of America must be secured by a standing army; and that, let me observe, must be a very considerable army. Consider, Sir, that that army must be cut off from the intercourse of social liberty here, and accustomed, in every instance, to bow down and break the spirits of men, to trample on the rights, and to live on the spoils cruelly wrung from the sweat and labour of their fellow subjects;—such an army.

employed for such purposes, and paid by such means, for supporting such principles, would be a very proper instrument to effect points of a greater, or at least more favourite importance nearer home; points, perhaps, very unfavourable to the liberties of this country.

The House divided upon the Amendment: Yeas 87: Noes 242.

Lord John Cavendish's Motion for the Revisal of all the Laws by which the Americans think themselves aggrieved.

November 6. 1776.

LORD JOHN CAVENDISH called the attention of the House to the extraordinary Declaration issued by Lord Howé and his brother, on taking possession of New York, which had appeared in the public prints of that day, and called upon the ministers to tell the House whether it was genuine or not. The authenticity of the Declaration * being avowed by Lord North and Lord George Germain, Lord John Cavendish, though astonished at the contents, and the extraordinary manner in which they were imparted to the

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* The following is a Copy of the said Declaration:

"By Richard Viscount Howe, of the kingdom of Ireland, and William Howe, Esq. General of His Majesty's forces in America, the King's Commissioners for restoring peace in His Majesty's colonies and plantations in North America, &c.

DECLARATION.

"Although the Congress, whom the misguided Americans suffer to direct their opposition to a re-establishment of the constitutional government of these provinces, have disavowed every purpose of reconciliation not consonant with their extravagant inadmissible claim of independency; the King's commissioners think fit to declare, that they are equally desirous to confer with His Majesty's well-affected subjects upon the means of restoring the public tranquillity, and establishing a permanent union with every colony as a part of the British empire. The King being most graciously pleased to direct a revision of such of his royal instructions as may be construed to lay an improper restraint upon the freedom of legislation in any of his colonies, and to concur in the revisal of all his acts by which his subjects there may think themselves aggrieved, it is recommended to the inhabitants at large to reflect seriously upon their present condition, and to judge for themselves, whether it be more consistent with their honour and happiness to offer up their lives as a sacrifice to the unjust and precarious cause in which they are engaged, or to return to their allegiance, accept the blessings of peace, and be secured in a free enjoyment of their liberty and properties, upon the true principles of the constitution. Given at New York, the 19th September, 1776.

"HOWE,
"W. HOWE."

public, congratulated the House on the gleam of peace and conciliation. Parliament, he said, had been treated with the most mortifying contempt; commissioners were sent out with powers only to grant pardons, and receive submissions; yet, wonderful to relate, parliament is informed, through the channel of a newspaper, that those commissioners are authorized to answer directly for the sovereign, and obliquely for the concurrence of the other two branches of the legislature, in revising all acts, by which the Americans are aggrieved. Parliament were reduced to cyphers in the whole conduct of the business; they were called on, by way of requisition, to sanction acts which would render them abhorred by their fellow subjects in every part of the empire; but when an appearance of lenity is shewn, all the merit was attributed to the king and his ministers. Yet if the proposals were sincere, he would not found objections on mere punctilios; to give the negociation more weight and efficacy, parliament ought, as the first proof of a pacific disposition, to co-operate in so desirable a work. It would, besides, restore ministers to confidence; their professions were disbelieved in America; the motion, therefore, he was about to make, would be the means of removing the almost universal opinion that prevailed in America, that every ministerial promise was given with some insidious intention of treachery, deceit, imposition, or to divide them, in order the more easily to break their strength, and subdue them. To remove so strong an impediment to peace and conciliation; to shew we were in earnest, and wished sincerely for both; His Lordship moved, "That this House will resolve itself into a committee, to consider of the revisal of all acts of parliament, by which His Majesty's subjects in America think themselves aggrieved." The motion was seconded by Mr. Burke, and supported by Mr. Byng, Mr. Dunning, and Mr. Fox. Lord North, Mr. Solicitor General Wedderburn, Mr. Rous, and Lord George Germain, complained of it as a surprize, a sudden and unexpected manœuvre, no business of consequence being expected before the recess.

Mr. Fox observed, that however absurd and inconsistent administration had shewed themselves in other respects, in their measures relative to America, and their professed contempt for parliament, they had been perfectly uniform and consistent. They had all along manifested the most contemptuous treatment of that House. He was always with the majority of the House in one point, though not upon other occasions, in supporting its dignity, privileges, and consequence with the people; which, in every measure relative to America, had been most shamefully violated; every information was denied, or purposely held back. The operations of war, it was true, were communicated with all possible ostentation and parade; but the only proper objects of parliamentary attention were totally neglected, and left to be collected from chance, vague reports, or a newspaper, while

the negociations for peace, in which parliament and the nation were much more deeply interested, as the welfare of this country more immediately depended upon them, were kept in a state of concealment, as if ministers were ashamed to own, as well they might, that after all the blood and treasure which had been spent in the unhappy contest, they were obliged to offer those very conditions which they had some years since rejected, with every mark of displeasure and disapprobation. The account from New York, he observed, was received late on Saturday night; an Extraordinary Gazette, announcing the retreat of the provincials from that city, was published early on Monday morning; another Gazette followed it the succeeding evening; and yet a syllable of the Declaration never transpired. He first heard it at the Opera the preceding evening, and read it that morning in a newspaper; still doubting its being genuine, till he heard it authenticated by the two noble lords on the opposite bench. He begged to be understood, that he did not make a charge of intentional concealment; but he contended, that ministers were no less culpable than if they concealed it from design; particularly, when the omission included in it the most manifest and mortifying inattention to parliament, whose sentiments the penner of the above Declaration had virtually, and, he would add, audaciously, engaged for; there being but little or no essential difference, according to the present well known pliable disposition of that House, between a royal promise to concur in the revisal of certain acts of the British legislature, and an actual solemn engagment of the whole legislature, for its due and faithful performance. In America, he said, all was peace, conciliation, and parental tenderness; in England, nothing was heard of but subjugation, unconditional submission, and a war of conquest. With that view administration had procured a pamphlet to be written and sent to America, where thousands of them were distributed gratis; while in England the title was not so much as known, till after the publication on the other side the Atlantic. Publications of a very different tendency were encouraged here. America was to be subdued; taxes were to be obtained; charters were to be modified or annihilated at pleasure. These doctrines secured a party, and the bulk of the people on this side of the water, while the most moderate measures and fascinating promises were held out on the other, in order to insidiously trepan and deceive. — He returned to what he called the shameful inattention and neglect which ministers had shewn in their conduct towards parliament; and said, that as government had taken so much pains to conceal the

proclamation alluded to, he had strong reasons to suspect, that other matters of a similar nature were suppressed, and never permitted to see the light. If there had been any such, why had not parliament been made acquainted with them? Was it not reasonable, that this House should know them?—He then addressed the Treasury-bench, and asked, if every supply they demanded had not been granted? Why, then, in this, as well as every other instance, keep back information, or, which was the same thing, neglect to give it to parliament, which had acted so openly, and put such confidence in ministers? What was the return? Either a downright, designed imposition, or the most gross nonsense. What do the commissioners promise in the King's name? That "being most graciously pleased to concur in the revisal of all Acts," &c. Does his majesty, at any time, or upon any occasion, concur in the revisal of any Acts of any kind? He may concur in the repeal of an Act, or in any amendment made in an Act which comes in the shape of a Bill, waiting for the royal assent; but as for promising to concur in the revisal of a law, which implies examination and amendment, in stages in which he can possibly take no part, it is rank ignorance or gross deceit. Besides, though ministers were serious, the promise could not be fulfilled, without supposing, that the opinion of parliament was just what ministers pleased to dictate; for what signifies what his majesty's good dispositions may be, since parliament, it is well known, thinks differently? If, therefore, revisal meant any thing, it meant a repeal, which it was impossible to expect from the present parliament, as they had so frequently refused any proposition, tending even that way.—He concluded with observing, that the commissioners, especially Lord Howe, were known to be friends to conciliation; and for that reason, were not sent out till so late in the season, that government knew the Americans must have declared for independency, before they arrived. He declared it as his firm opinion, that there could be no peace in America, without a complete relinquishment on our part of the claim of taxation; that the congress might well call the propositions of the court of Great Britain insidious, if the House of Commons refused to support the declaration of the commissioners: that the expressions in the declaration were complained of as not being clear; but that whenever an expression was represented as not clear, the act accompanying it must be taken as its commentary. If then, the declaration in question was not clear, how must America understand it, when by the vote of this House, this day, should the noble lord's motion be negatived, they shall plainly perceive, that the Commons of Great Britain had peremptorily refused to

concur in rendering his majesty's gracious dispositions effective.

The House divided:

	Tellers.			*Tellers.*	
YEAS	Mr. Fox, Mr. Byng	47.—NOES	Earl Lisburne, Mr. Charles Townshend		109.

So it passed in the negative.*

BILL FOR SUSPENDING THE HABEAS CORPUS ACT, IN AMERICA, &c.

February 10. 1777.

ON the 6th of February, Lord North brought in a bill "to empower his majesty to secure and detain Persons charged with, or suspected of, the Crime of High Treason committed in North America, or on the High Seas, or the Crime of Piracy." The progress of this Bill was contested with a warmth and pertinacity proportioned to the magnitude of its objects, and the importance of the habeas corpus, that inestimable privilege, which it was intended to suspend. Lord North, on the motion for introducing it, observed, that during the war many prisoners had been made, who were in actual commission of high treason; and many might be taken in the same predicament, but perhaps for want of evidence could not be legally confined. It had been customary on similar occasions of rebellion, or danger of invasion, to enable the King to seize suspicious individuals; but ministers, at present, did not demand a confidence so extensive; there was no domestic rebellion, nor any prospect of invasion; but as the law stood, it was not possible, officially, to apprehend the most suspected person; prisoners made from the rebels, and in the act of piracy on the high seas, could only be legally confined in the common gaols, a mode which their numbers would render impracticable. It was necessary the crown should have a power of confining them like other prisoners of war. On the second reading, upon the 10th,

* From this time a great number of the minority, particularly of the Rockingham party, began to relax in their attendance upon parliament in either House; or rather to withdraw themselves wholly and avowedly upon all questions which related to America, and only to attend upon such matters of private bills or business, in which they had some particular concern or interest. This conduct was so marked, that some of the principal leaders of Opposition, after attending the House of Commons, in the morning, upon private business, as soon as a public question was introduced, took a formal leave of the Speaker, and immediately withdrew.

Mr. Fox said, that the bill served as a kind of key, or index, to the design that ministers had been for some years manifestly forming, the objects of which they rendered visible from time to time, as opportunity served, as circumstances proved favourable, or as protection increased and power strengthened. It resembled, he said, the first scene in the fifth act of a play, when some important transaction or circumstance, affecting the chief personages in the drama, comes to be revealed, and points directly to the denouement. This plan had been long visible, and however covertly hid, or artfully held back out of sight, was uniformly adopted, and steadily pursued: it was nothing less than robbing America of her franchises, as a previous step to the introduction of the same system of government into this country; and, in fine, of spreading arbitrary dominion over all the territories belonging to the British crown. He contended, that nothing but the most inevitable necessity could justify the present measure; such a concurrence of circumstances, as happened at the Revolution, when the people of England were compelled to embrace the alternative of submitting passively to the will of a base, perjured tyrant, or of trusting to the dangerous experiment of appointing a dictator to preside over them, in the person of the Prince of Orange, till a new constitutional establishment could be formed, and legally recognised. This perilous state of things was but of short duration; it was running, to be sure, a great risk; but then, it was to preserve the liberty of this country from eternal destruction.—He dwelt a considerable time on the invaluable advantages derived from the habeas corpus act, which he called the great palladium of the liberties of the subject; expressing, at the same time, his astonishment, in the boldest and most animated terms, at the insolence and temerity of ministers, who could thus dare to snatch it from the people, by a mandate manufactured by themselves, though sanctioned by the sign manual; and not only attempt to deprive the object of their envy, resentment, or fears, of his liberty, but send him out of Great Britain, to the most remote part of the British dominions. Who knows, said he, but the ministers, in the fullness of their malice, may take into their heads, that I have served on Long Island, under General Washington? What would it avail me, in such an event, to plead an *alibi*; to assure my old friends, that I was, during the whole of the autumn American campaign, in England; that I was never in America, nor on any other sea but between Dover and Calais; and that all my acts of piracy were committed on the mute creation? All this may be very true, says a minister, or a minister's understrapper, you are for the present

suspected, that is sufficient. I know you are fond of Scotland; this is not the time for proofs; you may be, and very probably are innocent; what of that? this bill cares not a fig whether you are guilty or innocent. I will send you, under this sign manual, to study the Erse language in the Isle of Bute; and as soon as the operation of the bill is spent, you will be at liberty to return whither you please; and then you may, if you like, call on your accusers, to prove their charges of treason in America, and of piracy on the high seas; but they will laugh in your face, and tell you they never charged you, they only suspected you; and the act of parliament will serve as a complete plea in bar; it will answer a double end; it will be at once your redress and our justification.—O, but says the learned gentleman, it is not possible to tell how far constructive treason may extend; or whether it may not reach such as have aided and abetted the American rebels, by sending them arms and ammunition, by corresponding with them, &c. It is, it seems, lucky for me, that I have no connection in America; if I had, though they could not so decently suspect me of being on Long Island in August last, when they knew the contrary, they might say, that I held a treasonable or a piratical correspondence with them. Suppose, for instance, I had an old school-fellow, or intimate companion: I should most probably have kept up a correspondence; and when writing to him, should have told him, "that the Whigs, and those that were friends to the Revolution, were looked upon now as factious persons, for these are the times that large strides are taken, not only to destroy the liberties of America, but of this country likewise." Would not such a paragraph as this furnish a good ground for suspicion? But weakness, cruelty, suspicion, and credulity, are almost always inseparable; at least they are often found in the same company. Ministers are credulous in the extreme, because they are fearful; and they are fearful from a consciousness of their crimes. Suspicions, however ill founded, upon tales, however improbable, are received by them as facts not to be controverted; witness the information of Richardson against Sayre, some time since; and the recent affair of John the Painter, relative to the improbable story of his setting fire to the rope-house at Portsmouth. I am not surprised at any thing. The tone of the minister is become firm, loud, and decisive. He has already assured us, in this House, that he has nearly subdued America; and by what we are able to collect from this bill, we may presume, he means to extend his conquests nearer home.

The House divided on the motion for the second reading of the

bill: Yeas 195: Noes 43. The alarm excited by this bill, recalled a few of those members who had of late absented themselves from the House. The debates became long, animated, and highly interesting, and were not unfrequently intermixed with the severest animadversion. On the 14th, the order of the day being read for bringing up the report,

Mr. Fox was against receiving the report. He said no man was safe an instant, should the bill pass into a law. It would arm the most profligate of the human species; and give them a power over the best men in the nation. No man would be safe under it, unless one could suppose that a country magistrate understood more law, and was more sagacious; or a trading justice had more honour and equity in him, than the Chief-justice of Chester (Mr. Morton). That learned gentleman was of opinion, that the bill gave the powers now attributed to it; and if so, it was clear that it meant something very different from what it was said to import.

February 17.

ON the order of the day for the third reading of the bill, Mr. Dunning, who first laid open its principle and tendency, and had since been indefatigable both in his general opposition, and his endeavours to disarm it of some of those powers which he considered as the most dangerous, proposed a clause to be added to the bill by way of rider. He introduced the amendment with a speech fraught with legal and professional knowledge, in which he went through and examined the whole course of controversy on both sides, and having combated the arguments which had been used in support of the bill, and pointed out the evil consequences to be apprehended in its present state, moved an additional clause to the following purport: "Provided also, and be it hereby declared, that nothing herein contained is intended, or shall be construed to extend to the case of any other prisoner, or prisoners, than such as have been in some one of the colonies before mentioned, or on the high seas, at the time or times of the offence or offences, wherewith he or they shall be charged." Mr. Cornwall agreed to receive the clause in part, if the mover would admit an amendment of his own to be interwoven with, and added to it; namely, that the words, "In some one of the colonies, or on the high seas," should be left out, and the words, "Out of the realm," inserted in their room; and that the following words, "Or of which they shall be suspected," should be added to, and conclude the original clause. If this amendment did not afford all that was wished, the acceptance of the clause, even in its present form, was, however, an object of great consequence with the minority, who now considered the bill as having nearly lost two of its most dangerous fangs; the last, though not entirely drawn, being now tolerably blunted.

Mr. Fox, after reprobating the principle of the bill, and declaring that he thought if even the clause were agreed to, as first moved by his honourable and learned friend, he should be called on to give the bill a most hearty negative, said he must desire to draw the attention of the House, to the conduct of the court of France, respecting our disputes with America. He affirmed, from his own knowledge, that we were on the eve of a war with France, immediately preceding the meeting of the present session, in the month of October. He was of opinion, that administration were extremely negligent in respect of home security and national defence; particularly in not calling out and embodying the militia, when it was well known what a defenceless state we were in at the time, and still, he was sorry to say, continued to be. At present, the disposition of France, he allowed, was much changed. The courts of Versailles and Madrid, whatever their latent or remote intentions might be, took care carefully to conceal one, or had prudently postponed the other, (which was the most probable supposition,) till they were sufficiently prepared to strike a decisive, perhaps a fatal blow, which was certainly not the case at present. Their peaceable demeanor, their promises and appearances, were most assuredly the consequence of necessity, not choice. The disposition of the French nation in general, and the sentiments of such as turned their thoughts to foreign politics, respecting the civil war in America, bore testimony how much they considered that war as a matter that promised to be extremely favourable to their interests, in the final event. He had other proof, which confirmed the conclusion now made, in a much clearer manner; that was the disposition of the French cabinet, which daily manifested itself in a variety of circumstances. He did not mean to enter into details; but the facts he was about to mention, were important, and such, too, as would not leave a doubt of their tendency; he alluded to the conduct of the French ministry to two of the members of the American Congress, now resident at Paris, Dr. Franklin and Mr. Silas Deane. He was warranted in affirming, from his own knowledge, that they both appeared publicly at Paris and Versailles; they were known to hold conferences with the King's ministers, to treat and negotiate with them, and to be received by them substantially on the same footing as the representatives of any independent power in Christendom. The correspondence held between them was of the same nature with that usually carried on between two powers, where one of them seeks for assistance, and the other, from motives of policy, listens, deliberates, and determines, upon the propriety or impropriety of adopting the schemes, or entering

into the measures of the power, which thus applies for succour. Sometimes Franklin and Deane received greater encouragement, at other times less, according to the tone of the court, and the prevailing sentiments and opinions at the time. But however these might vary, one important truth might be gathered from the whole, that France was secretly hostile to Great Britain; that she publicly and privately received, treated, and negotiated with the members of the American Congress, or with persons authorised and deputed for them. — He next attacked what he called the shameful, disgraceful, and improbable falsehoods that the only paper, published by authority in this country, was filled with, upon every occasion, given in the accounts received from America. He said, he had been in company, at Paris, with an American lately arrived in that capital, who informed him that our London Gazette gave long details, from time to time, of successes gained by our troops, which never had any existence but on paper. He assured him in particular, that the lists of the killed, wounded, and prisoners, since the commencement of the campaign, amounted to nearly as many as the Congress had enlisted, mustered, or arrayed: but as the nation were to have something in return for the blood and treasure so shamefully lavished on our side, something to balance against new debts, accompanied with new taxes, he could not say but he much approved of the device, as he was infinitely better pleased to see men killed upon paper, than be convinced that they had fallen in battle. He then took a general view of the situation of affairs in America, the state of the respective armies, their number, &c. and contended, from the present appearance of affairs in that country, that we were no nearer conquering America now, than we were three years ago. If it should ever be effected, he was satisfied it would be the work of time, perhaps of many campaigns. Though France had altered her intention of taking an early and decided part, and would not venture to break with us, till her navy should be put upon a respectable footing, yet a peace resting on so precarious a foundation, was in fact no peace, and was more hurtful, in its remote consequences, than war actually declared. The Dutch were nearly twenty years struggling against their tyrannical oppressors, before they procured any assistance from foreign states; our strength would be therefore gradually decreasing, and we might probably find ourselves engaged in a bloody and expensive war, when we least expected it, and were least prepared for it.

Lord North exculpated himself in particular, and administration in general, from every intention of establishing any unconstitutional

precedents, or of seeking or wishing any powers to be entrusted, either to the crown or to themselves, which were capable of being employed to bad or oppressive purposes; disavowed all design of extending the operation of the bill beyond its open and avowed objects; said it was intended for America, not for Great Britain; that as he would ask for no power that was not wanted, so he would scorn to receive it by any covert means; and whilst he expressed his concern for the jealousy excited by any ambiguity that appeared in the bill, hoped that the present amended clause would afford full satisfaction to the gentlemen on the other side of the House, and that the law would now meet with the approbation of all parties.

This unexpected conduct caused great dissatisfaction on his own side. Those who had been the avowed supporters of the bill, thought themselves particularly ill treated. Mr. Willam Adam thought the measures now pursuing by government would have been more efficacious, in all probability, had they been taken up earlier; and when they were taken up, had they been carried into execution with more spirit and alacrity. No man was farther from approving of sanguinary measures than he was; and he always thought that the surest means in such cases, of preventing the effusion of blood, and all the dire calamities of a civil war, was by adopting vigorous measures in time, and executing them seasonably. The Solicitor General said, he did not see any necessity either for the clause or amendment, yet he should have had no objection to it, if its friends had been contented with carrying it early in the day; but as the gentlemen who moved and supported it, had been indulged with an acquiescence on the part of administration, and still continued to debate the principle of the bill, he should now most certainly vote against it.

Mr. Fox said, he admitted the candour and condescension of the learned gentleman, in granting the favour of permitting the clause to make part of the bill, if the terms in which the favour had been asked had been accompanied with that degree of gratitude and submission which the granting so high a boon deserved; if the debate had not been prolonged to that late hour, when it might be supposed the learned gentleman's presence might be more useful, and more eagerly sought. Yet, upon consideration, nice as the learned gentleman's feelings were, eager as he was to get out of the crowd, careless as he was of his duty in that House, and indifferent as he seemed to be to the consequences of the bill; in either or any event, he imagined his resentments against conquered America, his native hatred of rebellion, his zeal for government, and his personal loyalty to the family on the throne, might have been in some degree gratified, without pushing this bill to the extent he seemed to desire. It might allay the learned gentleman's thirst for public chastisement, and exemplary punishment, when he could satisfy himself with the pleasing reflection that

seven rebels had been shoved into a room in New York, and there burnt to death; or if that was not sufficient, another learned gentleman, still, if possible, more zealous and loyal, (Mr. Adam,) might feast himself with contemplating the glorious deeds daily and hourly achieved in our southern colonies and back settlements, where the savages came down in great numbers, (if the accounts received by administration themselves from that country were to be depended on,) and massacred the innocent settlers in cold blood; and the slaves were meritoriously employed in the murder of their unprepared and unsuspicious masters, through the encouragement of an administration which had been this day so unjustly arraigned, as sluggish and inert, as wanting spirit and alacrity, in the glorious work of blood and carnage; of planning nothing but tame and indecisive measures, still more tamely and indecisively executed!

The question was put on Mr. Dunning's motion, as amended by Mr. Cornwall, and agreed to without a division.

Mr. Fox wished the House much joy, and felicitated the nation in general on the escape they had had from, at least, a state of temporary tyrannic dominion, which perhaps, all in good time, was meant to be rendered perpetual. He congratulated the minority in particular, on their success that day; who, he said, had corrected this very reprehensible bill: though a minority, they had accomplished this alteration; the ministers were not only convinced, but ashamed, and had accepted of the alteration. It was no compliment to their friends the majority, for they were ready to pass the bill as it was brought in. It was the minority, he repeated, who, though a minority, had corrected this bill, which the noble lord had brought in crude and indigested, imperfect and erroneous. The noble lord was obliged to his friends the minority, for digesting, altering, and correcting his bill, not to his friends the majority, who were ready to swallow it with all its original crudities, cruelties, and errors. He then enlarged in a humorous, ironical strain, on the power of the learned Solicitor General, who threatened to damn the clause totally, and blow it out of the House, if he was any longer teased with the noise and nonsense of his opponents, and detained from his social enjoyments half or a quarter of an hour beyond his time; and painted his own fears very humorously, lest some of the overzealous friends of the clause should rise, and provoke the learned gentleman to carry his threats into execution. He was two or three times rising to speak, he said, but happily repressed his feelings, as he watched the countenance of the

learned gentleman, and imagined he could perceive a glow of honest zeal, and determined resentment overspread it, which denoted the most inevitable destruction to the clause, and terror, dismay and defeat to all its supporters. He said, he must seriously congratulate the House, and the nation at large, on the preservation of the constitutional freedom of this country, from the stab that had been predetermined, and covertly aimed at its vitals, by the bill as it stood before the clause was agreed to; for if it had passed in that form, he could with confidence affirm, that no Englishman, as long as it remained in force, (and God knew how long that might be!) would have had the shadow of liberty left, or could be a minute secure against the most cruel attacks of public oppression, or private malice and revenge. He then argued against the principle of the bill, and said it was a dangerous and unnecessary bill, even in its amended state; that still any man who for pleasure or business happened to be out of the realm, lay at the mercy of ministers, of his private enemies, or of public informers. On the whole, his fears being at an end respecting the clause, he was now at liberty to express his sentiments freely; and under that sanction he totally disapproved of the principle of the bill and of the clause; he looked upon the bill as a dangerous precedent; and learning the true disposition and design of administration, from their conduct throughout, he should give it a most hearty negative.

The question being put on the third reading, the House divided: Yeas 112: Noes 33. The bill was then passed.

Arrears of the Civil List.

April 16.

On the 9th of April, Lord North delivered a message from the King, in which much concern was expressed by the Sovereign at being obliged to acquaint them with the difficulties he laboured under, from debts incurred by the expences of the household, and of the civil government, which amounted on the 5th of the preceding January to upwards of 600,000*l.* That he relied on the loyalty and affection of his faithful commons, of which he had received so many signal proofs, for enabling him to discharge this debt, and that they would, at the same time, make some further provision for the better support of his household, and of the honour and dignity of the crown. The message was attended with a num-

ber of papers, containing various accounts of the expenditure, and a comparative statement of the whole amount of the present civil list establishment, from the year 1760, with that of the produce of the former revenues, which had been appropriated to that service, during the same period; the former being intended to explain the causes of excess in the expenditure, and the latter to shew, that the crown had been a loser by the bargain which it then made with parliament. A motion was then made, and carried, that the message should, on the 16th, be referred to the consideration of the committee of supply. On the adjourned day for taking the message into consideration by the committee of supply, a motion was made by Lord John Cavendish, that the order of reference of the 9th instant might be discharged. The view of this motion was, that instead of carrying the question directly into the committee of supply, there to determine at once by a vote, whether provision should be made for supplying the whole demands, the accounts of the expenditure, the causes of the excess, the means of preventing it in future, and the propriety of complying in the whole or in part with the requisitions, should first be examined accurately, and considered with due deliberation, in a committee of the whole House. This motion accordingly, which was, in effect, whether the Speaker should leave the chair, brought out the whole force of debate, which was long and ably supported, most of the considerable speakers on both sides having distinguished themselves in its course.

Mr. Fox, after describing what he termed the wanton profusion of ministers for a series of years back, in the several great departments of the state, and the shameless prodigality that prevailed in the disposition of the revenues of the civil list, predicted a day of reckoning, when probably ministers would not be permitted to pass such accounts as those now lying on the table. He told the House, that he should not go over the items which had been already mentioned; and to which, there had not as yet even so much as the colour of an answer been given. There was one article, however, which he could not pass over without mentioning; and he presumed, it had struck every gentleman present as well as himself with astonishment. It was the sum of 513,000*l.* stated under the head of the Board of Works, in the course of the last eight years, without telling to whom the money had been paid, on what account it had been paid, or on what palace, house, park, garden, or place, the money had been expended. He observed that the conduct of the minister, in 1769, though the noble lord now disclaimed the appellation, was much less reprehensible than now. He then acted openly, and came boldly to parliament to demand a round sum, without account. "I want the money; I cannot wait; grant it now, and you shall have the account next year." On this occasion, Par-

liament had the option to grant or refuse; to take his word, or disbelieve it. New men, new measures; the noble lord told the House this day, very gravely, that he was not then first minister; but that he had since become one, entirely on his own bottom; that accounts ought to precede the grant; but when the accounts came to be examined, what did they turn out? No accounts at all; but a detail of arbitrary sums, for ought we knew, set down according to the fanciful ideas of several persons who wrote them; and all consolidated into one round sum, which we are called upon to grant out of the purses of our constituents, without being satisfied that a single item is fairly or perfectly stated; unless we trust to the integrity of ministers, and the fidelity of their subordinate instruments. Well, taking it for granted, that the sums are truly stated, why trouble the House with such an account at all, unless to add mockery to contempt, and blend insult with derision? When we had no account, we trusted to ministers. Now that we have an account, we are equally compelled to be satisfied with their bare word. So that taking the matter in its true light, the present proposition is neither more nor less, than a demand the minister makes on parliament for 618,000*l.* which he says was expended in the public service; but of the reality of such expenditure, we properly know no more than we do of any sum of a like amount, expended by any prince in Europe. We are precisely as well informed now how this debt was incurred, by the curious account lying on the table, as we were in 1769, without any account.—He next attacked Lord North on his denying he was minister when he brought down a like message, eight years ago, and obtained the object of his errand. This he treated as the most shameful and barefaced evasion. He declared the sentiments of that administration, of which, from his post of chancellor of the exchequer, he formed a part; he stood therefore doubly bound, both as an individual, and a member of the cabinet. In the next place, as he was the bearer of the message, he stood pledged as the messenger, or the representative of the sovereign. The message was to demand a certain sum of money to pay the King's debts; the condition that accompanied it, though not contained in the message, was, that no applications of a like nature should be made hereafter. Who was to impart them to the House? The bearer of the message, and no other. But, allowing that the noble lord was neither bound, as a member of the cabinet, an individual, or as a messenger representing his sovereign, he stood nevertheless in a mixt official and ministerial situation, from which it was impossible for him to recede; he came to parliament, as the minister of the House of Commons, and chancellor of the exchequer.

He was responsible as minister, for his ministerial assurances, as much then, as at present; and as chancellor of the exchequer, he was bound by the nature of his office to know that his assurances were founded in truth. Take, then, the matter in the noble lord's own way; does he not stand on the precise ground he did then? Did he not come in 1769, as well as in 1777, as minister of the House of Commons and chancellor of the exchequer, not as first lord of the treasury, and prime minister? But convict the noble lord on any or all of these grounds, and he still imagines he can evade his pursuers. He says he never gave any such promise. Will his lordship rest his justification on that alone? If he does, I pledge myself to prove he did; if he will not, but will contend, that he is not bound in one event by a promise, which he denies in the other, I submit whether in the opinion of all impartial men, the noble lord be not in fact convicted on both grounds. If, however, he should still rest his defence, on his not being responsible for any acts of his, ministerial or official, he would nevertheless on the present occasion, out of regard to his own honour and character, recommend to his lordship, to consent to the proposed committee of enquiry; because, if any malversation in office, any waste of public money should have happened, the blame would fall of course on his lordship, as chancellor of the exchequer. Not supposing that there existed the least ground for any such imputation, he looked upon it to be peculiarly incumbent on the noble lord, cheerfully to go into an enquiry, which, he presumed, would turn out so much to his lordship's honour. He perceived that the charge of ambassadors was a very heavy one; besides, envoys and ministers were sent to every petty state. He knew the disagreeable predicament a minister, willing to make a reform, would stand in, were he to attempt it on his own strength. It would be prodigiously irksome to be obliged to say to a secretary of state, who has so few appointments in his gift, "I must strike off such and such envoys who are in your department, the state of the civil list requires it, &c." While, on the contrary, if a parliamentary enquiry was set on foot, and arrangements made to take place in consequence of such enquiry, in order to reduce the expenditure, the blame would be shifted from the minister, and the superfluous branches of the civil list might be pruned, or totally lopped off, without giving any direct offence to those who might, on the mere personal interference of the minister, look upon themselves pointed at, and ill treated.

The House then divided on Lord John Cavendish's motion:

	Tellers.			Tellers.	
YEAS	Mr. T. Townshend Mr. Byng	114.	NOES	Mr. C. Townshend Mr. Robinson	281.

So it passed in the negative. The House then resolved itself into a committee of supply, and came to the following resolutions: 1. "That the sum of 618,340*l.* 9*s.* 6½*d.* be granted to his majesty, to discharge the arrears and debts due and owing upon the civil list, on the 5th of January. 2. "That for the better support of his majesty's household, and of the honour and dignity of the crown, there be granted to his majesty, during his life, out of the aggregate fund, the clear yearly sum of 100,000*l.* to commence from the 5th day of Jannary 1777, over and above the yearly sum of 800,000*l.* granted by an Act made in the 1st year of his majesty's reign." On the 10th, as soon as Sir Charles Whitworth appeared at the bar, in order to present the above resolutions, Mr. Dempster rose and opposed the bringing up of the report. This occasioned another debate. The gentlemen of the minority insisted, that the accounts which had been laid before the House carried the fullest conviction, that they were fabricated to perplex, not to inform; that the facts, which under their title they were bound to disclose, could not bear the light; and that a great and royal revenue was squandered in so shameful a manner, and applied to such pernicious purposes, that the ministers dared not to avow its disposal, nor venture to commit so dangerous a knowledge to the public. They were unaccompanied by any voucher, by any collateral, or explanatory observation that could give them even that colour of authenticity, which was fitting for their appearance before parliament, or to render them worthy of its attention. On the other side, the ministers, and official members, attributed the defectiveness imputed to the accounts, to the conduct of their predecessors in office, who had carried away, from their respective departments, those papers and documents, which would have been necessary to afford that unusual degree of specification and accuracy, which was now demanded. They said, that the treasury had done every thing in their power to remedy that deficiency; they had spared no pains, by examining and comparing the warrants with the books, to give every satisfaction in their power to parliament.

Mr. Fox said, there was a very material difference between producing vouchers for each article, or even small sums paid to petty tradesmen, and not producing a single authority or document which was sufficient to satisfy the House, that the gross sums charged were faithfully expended under the heads in which they were charged; and he defied Lord North, with all his wit and ingenuity, to shew by any true criterion of distinction, the least shadow of difference between an account thus unvouched, and no account at all. He begged the attention of the House to this single illustration of the subject of debate; what substantial difference did it make, whether the

618,000*l.* was written off in a single line, in twenty, or in five hundred, when the several sums came totally unaccompanied vouchers? He next drew a comparison between the present administration, and that of the late Duke of Newcastle; and so pushed it back to the commencement of the late reign, which he contended was the most glorious this nation ever beheld. It was a reign of principle throughout: the sovereign was honest, steady, and sincere. His ministers sought his personal satisfaction and domestic quiet; and maintained the honour and dignity of the nation. Even the different parties who caballed for power, were open in their professions, faithful to the doctrines they professed, and to the persons with whom they associated. What was now the case? Corruption and patronage had overspread the land. The King's name was frequently prostituted by his ministers, to purposes which he was certain the sovereign was too good a man, and too great a King, ever to have sanctioned, if he had previously discovered the concealed but plausible motives whence they originated. Ministers disdained to pursue such appearances. Majorities were found to support the worst measures with as much alacrity as the best. The influence of the crown derived additional strength from its power over the treasury, and majorities were now called upon to make good the very rapine and plunder they had long since shared; and to create a fund in future for the same purposes. To finish the comparison, and bring the two reigns into a complete counterview, all principle, as well in politics, as morals, had been, since the commencement of the present reign, entirely exploded. That very formidable phalanx which now lines the Treasury-bench, have thrown aside their opinions the day they accepted of their appointments. Corruption sweeps every thing before it. Its power or influence, or whatever else it may be called, is almost irresistible. It is now got to its zenith. Sir Robert Walpole, it was said, was the father of corruption; the present minister is his equal, if not in abilities, at least in his art of managing parliaments. He has improved on the founder of this corrupt system; he has carried it to an infinitely greater extent. But then, he has had the address to lose half the empire, as one of the first happy consequences of his experimental improvements!

The first resolution was agreed to. On the second, the House divided:

	Tellers.			*Tellers.*	
YEAS	Lord Lisburne Sir G. Cooper	231.	NOES	Lord J. Cavendish Mr. Fox	109.

So it was resolved in the affirmative.

Birmingham Play-house Bill.

April 29.

In consequence of a petition presented to the House by Mr. Yates, leave was given to bring in a bill for enabling His Majesty to licence a play-house in the town of Birmingham. The bill was accordingly brought in and read a first time. On the motion for the second reading, Sir William Bagot opposed it, because he disliked licensed theatres in manufacturing towns. By way of proving the fatal tendency of establishihg theatres indiscriminately in any kingdom, Sir William adverted to the time of the Romans, when he declared the giving theatres was the cause of the decline of the state. He said, that to add to the dissipation of the people was always the maxim adopted by those who meant to enslave them, and that the common means of fixing slavery on any people was by giving theatres. He bid the House recollect the ancient medals, on the reverse of which was a theatre, with the words *Ludi instituti.* These were melancholy instances of the truth of what he had asserted, as it appeared from the words round the edges of such medals, that the Romans were also obliged to establish granaries of corn, and to give the people bread at the same time; this latter, he feared, would be the next step with Birmingham, if the House gave them a theatre. Here Sir William introduced an apostrophe on the subject of the Roman medals, appealing to the House how much more glorious it was to cast medals on any conquest, and how much better the inscriptions of *De Germanis,* or *De Britannis* appeared, than that of *Ludi instituti.* Mr. James Luttrell also opposed the bill. He spoke warmly against Mr. Yates, the petitioner; he said the petition was impudence, and the application ingratitude; and therefore, if discretionary powers ought to be given to any man, Mr. Yates was the last person Birmingham could approve of, or that the House could with decency listen to.

Mr. Fox objected to the asperity of the terms used by the honourable gentleman who spoke last, as improper for the place, the subject, and the person to whom they were applied. He had always retained a grateful sense of the entertainment he had received from actors of Mr. Yates's acknowledged merit; and he could perceive nothing in his conduct, on the present occasion, to justify such epithets. If the party to whom they were applied, had been in a higher rank, it would, to say no worse, have been extremely indecent to have so treated him; and it must be very unpleasant and mortifying to any man. He therefore thought it extremely wrong, and could not be a silent auditor of such severities against a person who had only exercised that right which every other man had of applying to parliament. He declared himself for the second

reading of the bill, and sending it to a committee, when the true sense of the inhabitants might probably be collected. If any thing could be decided, one way or the other, he thought the probability was, that the majority of the inhabitants were in favour of the bill, from the open and continued encouragement they had given to theatrical entertainments for such a number of years back. In his opinion, dramatic exhibitions had their use every where, and often drew the attention of the common people, and prevented them from wasting their time and money in employments of a much more dangerous and pernicious nature. In general, they tended to civilize and polish the manners of nations; and so far were the institutions of theatres from being the forerunners of slavery, or the badges of despotism, that they were most encouraged, and flourished best, in free states. He ridiculed what had fallen from Sir William relative to the Romans medals. He said, he had much rather see such medals now struck, than political medals; for there could be no disgrace in shewing by the words *Ludi instituti*, that our manners were polished; but there might be some in having medals with the inscription *De Britannis Colonis*, which would tend to throw a ridicule on our late glorious campaign in America!

The bill was also supported by Mr. Dempster, Mr. Burke, Mr. Wilkes, and Mr. Harris. It was then read a second time. On the motion, that it be committed, the House divided:

	Tellers.			*Tellers.*	
YEAS	Mr. Fox Mr. Dempster	18.	NOES	Sir William Bagot Sir Henry Gough	69.

So it passed in the negative.

ADMISSION OF STRANGERS INTO THE GALLERY OF THE HOUSE.

April 30.

MR. TEMPLE LUTTRELL moved, That the orders made upon the 1st of November last, "That the serjeant at arms attending this House do, from time to time, take into his custody any stranger or strangers that he shall see, or be informed of to be, in the House or gallery, while the House, or any committee of the whole House, is sitting; and that no person so taken into custody be discharged out of custody, without the special order of the House;" Also, "That no member of this House do presume to bring any stranger or strangers into the House or gallery,"

might be read. And the same being read accordingly, he next moved, "That the said orders be taken into consideration in a committee of the whole House." The motion was supported by Mr. Wilkes, Mr. Thomas Townshend, and Mr. Fox; and opposed by Lord North, Mr. Rigby, and Sir William Meredith.

Mr. Fox expressed his hearty approbation of the motion, and was glad the honourable gentleman who introduced it, had not urged an absolute discharge of the uniform and necessary orders of the House, established for good government and decorum. He wished the House would decline to enforce those orders with such reprehensible rigour; and was sure, that if a committee were to take them under candid consideration, some method might be devised fully to answer the end proposed. He dwelt on the expediency of letting in young men of parts and education, that they might cultivate and improve their understanding, and become early habituated to the conduct of state affairs, and to political argumentation.

The House divided:

	Tellers.			*Tellers.*	
Yeas	Mr. T. Luttrell, Mr. Fox	16.	Noes	Mr. G. Onslow, Mr. Robinson	83.

So it passed in the negative.

Motion for an Addition to the Incomes of the Royal Brothers.

May 9.

Sir James Lowther moved, "That an humble address be presented to his majesty, to express the just sense this House entertains of his majesty's regard for the lasting welfare and happiness of his people; and, as this House cannot omit any opportunity of shewing their zeal and regard for his majesty's honour, and the prosperity of his family, humbly to beseech his majesty, that, in consideration of the high rank and dignity of their royal highnesses the Dukes of Gloucester and Cumberland, he would be graciously pleased to make some addition to their annual income, out of the revenues cheerfully granted his majesty for the expences of the civil government, and better supporting the honour and dignity of the crown; and to assure his majesty, that this House will enable his majesty effectually to perform the same, as nothing will more conduce to the strengthening of his majesty's government, than honourably supporting the dignity of the different branches of the royal family." Sir James stated with

energy, and described with affecting sympathy, the causes which led to this motion, and the particular circumstances of situation which rendered such an address necessary; circumstances which were unfortunately so conspicuous, as to be publicly known in every part of Europe; and which he represented as not less affecting the national character and honour, than the royal dignity. The motion was supported by Sir Edward Astley, Governor Johnstone, Mr. Wilkes, and Mr. Fox.

Mr. Fox said, he thought the motion was right, proper, and seasonable; right, that those who were so nearly allied to the crown should have part of the public munificence, intended to promote every thing which might add to its splendour and dignity; proper, because no persons were more competent to judge of the disposal of money, than those who granted it; and seasonable, because no time could be better to urge the crown on such a subject, than when the sense of its own necessities, and the generous conduct of parliament, might promise to make a favourable and grateful impression. He dwelt on the increased price of provisions, and the comparative value of money now, and during even the last reign; and observed, that though this argument was much relied on in support of the augmentation of the civil list revenue, it applied much stronger in the present case, because the increased value of the necessaries and conveniences of life, had a much stronger comparative operation; he believed, in the proportion of full three to one, on an income almost totally expended in those uses, than on a revenue, the greater part of which was issued in round sums, with which neither the splendour, dignity, nor immediate expences of the crown were at all concerned: this he instanced in the several heads of salaries, pensions, secret service money, ambassadors, &c. He then stated several general reasons in support of the motion, such as the increase of salary to the judges, the overplus between the real expenditure for the last eight years, and the necessity there was to enable the royal dukes to support their high rank, both as peers of the first order, and as being so nearly allied to the throne. He said, it had been always the policy of this country, to make a suitable provision for the different branches of the royal family; it rendered them independent of ministers; and bound them by interest and sentiment to preserve that constitution under which they enjoyed such pre-eminent and solid advantages. On the other hand, a royal family, in narrow and dependent circumstances, were compelled to look up to the throne for protection and support; and from the very nature of their situation, were liable to become the instruments of the crown in forging chains for their country. This, he was certain,

was at present entirely out of the case; the King was as averse to employing them in effecting purposes so far from his heart, as they would be to comply with them, had he entertained sentiments of a different kind. He concluded by observing, that there were many public and private reasons for wishing to see every branch of the royal family happy and easy in their domestic circumstances.

The motion was opposed by Sir J. G. Griffin, Sir George Howard, and Mr. Rigby, upon the ground of propriety, and the previous question immediately moved. The difficulty, as well as impropriety, of discussing a question of so nice and delicate a complexion, were principally insisted on. It would be breaking in upon the domestic affairs of the royal family; and venturing to inquire into matters of so tender a nature, as the conduct observed, and the transactions that passed in private life, between the sovereign and his brothers. The previous question was then put, and the House divided. The Noes went forth:

	Tellers.			*Tellers.*	
YEAS	Sir J. Lowther Capt. Johnstone	45.—	NOES	Sir J. G. Griffin Sir G. Howard	152.

So it passed in the negative.

MR. FOX'S MOTION RESPECTING MR. SPEAKER NORTON'S SPEECH TO THE KING, ON PRESENTING THE BILL FOR THE BETTER SUPPORT OF HIS MAJESTY'S HOUSEHOLD.

May 9.

IN the course of the preceding debate on the incomes of the royal brothers, Mr. Rigby turned with vehemence towards the chair, and arraigned the conduct of the Speaker with great acrimony. He said, that although our burthens were heavy, and our expences immense, our situation had been grossly misrepresented in a place, and in the presence of those, where nothing but truth should be heard: that the sentiments declared at the bar of the other House, to be those of this, were never so much as thought of here; that the Commons of this kingdom knew better; that, for one, he totally disclaimed them; and he was certain that a very great majority of that House did so too. He trusted, that before the House rose, it would be proved whether the House thought with the chair, or with him, whose sentiments, he said, were directly contrary to those delivered in the name of that House at the bar of the House of Lords, on Wednesday last. As soon as the division was over, the Speaker rose in his place, and begged leave to draw the attention and recollection of the House, to what

had fallen from Mr. Rigby. Previous, however, to his taking any particular notice of the censure that right honourable gentleman had passed on his conduct as Speaker of that House, he begged that his speech to his majesty at the bar of the House of Lords, on Wednesday last, might be first read by the clerk; and the same being read accordingly*, he then appealed to the journals for the vote of thanks, which followed on his return, to shew, that the sentiments which he expressed to his majesty, when he presented the bill for the better support of his majesty's household, were the sentiments of the House, and not his own particular sentiments, as had been asserted by the last-mentioned right honourable gentleman. While the Speaker was yet on his legs, up rose Mr. Rigby, who adhering to what had fallen from him in the former debate, spoke of the chair in terms very nearly bordering on disrespect. He insisted that he had a right to animadvert on the Speaker's speech, or on his conduct, within or without that House, if he thought it improper. He was certain the speech now read did not convey his sentiments, whatever it might those of the 281 who voted for the augmentation of the King's civil list. He said he had a right to appeal to the chair, and from the chair, and would never be intimidated, or led by any inducement, to forfeit the privileges of a British senator. The Speaker was no more than another member, and he was as free to differ from the chair as from any other individual in that House. He proceeded to great heat, which seemed to make the Treasury-bench uneasy.

Mr. Fox replied to the right honourable gentleman, and observed, that he had brought the matter to a direct decision; that was, he had rendered it necessary for the Speaker to seek

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* The following is a copy of the speech as published by the Speaker:—

"Most gracious Sovereign,

"The bill, which it is now my duty to present to your majesty, is intituled, 'An Act for the better support of his Majesty's Household, and 'of the honour and dignity of the crown of Great Britain:' to which your Commons humbly beg your royal assent.

"By this bill, Sir, and the respectful circumstances which preceded and accompanied it, your Commons have given the fullest and clearest proof of their zeal and affection for your majesty. For, in a time of public distress, full of difficulty and dange, their constituents labouring under burthens almost too heavy to be borne, your faithful Commons postponed all other business; and, with as much dispatch as the nature of their proceedings would admit, have not only granted to your majesty a large present supply, but also a very great additional revenue;—great, beyond example; great, beyond your majesty's highest expence.*

"But all this, Sir, they have done, in a well-grounded confidence, that you will apply wisely, what they have granted liberally; and feeling, what every good subject must feel with the greatest satisfaction, that under the direction of your majesty's wisdom, the affluence and grandeur of the sovereign will reflect dignity and honour upon his people."

* Several members who took notes of this speech, wrote *wants*, instead of *expence*.

the sense of the House, as the charge was open and direct. The Speaker had either misrepresented the sense of the House, or he had not; as an individual, he had disclaimed the sentiments of the Speaker, as far as the same respected himself; and had plainly hinted that it was the opinion of a majority present: it was coming to the point at once, and bringing the matter to a fair issue. For his part, he suspected the Speaker did not deliver the sentiments of the majority, though it was plain he did the sense of the House; because he was immediately thanked on his return, *nem. con.* as appeared by the journals. The question, then, which remained to be decided, was, whether the Speaker had done his duty. The truth, he believed, was, that the court thought he had exceeded it, by their so highly disapproving of the speech. He was resolved, however, to take the sense of the House by motion, which, if negatived, in his opinion, the Speaker could sit no longer in that chair with reputation to himself, or be further serviceable in his station, after having been publicly deserted, bullied, and disgraced. He then made the following motion:—"That the Speaker of this House, in his speech to his majesty, at the bar of the House of Peers, on Wednesday last, and which was desired *nemine contradicente*, by this House, to be printed, did express with just and proper energy, the zeal of this House, for the support of the honour and dignity of the crown, in circumstances of great public charge."

The Speaker assured the House, that he meant to deliver nothing but their sentiments. He thought he was justified in what he said, considering the time, the occasion, and the various current circumstances which combined to stamp what he offered with peculiar propriety. Conceiving, therefore, that he had discharged his duty, and that the same had been afterwards publicly approved of, he could not think of remaining in a situation where he could be no longer serviceable; which must be certainly the case, if the present motion should be rejected. Mr. De Grey did not approve of the word *wants*, in the speech. He said, such an expression was disrespectful to the sovereign; and, in his opinion, the whole speech conveyed a very improper idea to foreign powers in particular, who, presuming on its contents, might be tempted to disturb the public tranquillity. The Speaker replied, that he thought he did not make use of the word *wants*, as it could mean nothing. As to what effect his speech might have in foreign courts, or any other political consequence which might arise from it, he never considered. He wished to express the sense of the House; he imagined he had done so; and he could never think of sitting longer in that chair, than while he was in the exercise of his duty. Mr. Welbore Ellis said, he presumed the Speaker delivered his own sentiments with great candour and sincerity; and in so doing, he acted a very

commendable part. But as probably he spoke without notes, and might have dropped a word or expression without any intention, he wished that the motion might be withdrawn, and the affair be thus terminated; for though the Speaker might imagine he was delivering the sentiments of the House, from hurry and inadvertency, it was possible, he might not even have delivered his own. The Speaker said, he understood that great pains had been taken without doors to represent his speech as not conveying the sense of the House. For his part, if he erred, he did not err intentionally; he meant to convey the opinion of the House, and looked upon himself fully justified both in point of fact and precedent. If he misrepresented what he meant faithfully to convey, he trusted the House would excuse him. He knew such addresses to the throne had been frequent; he was sure they were proper. He said, he thought it incumbent on him to let his majesty know what was the sense of the House; and, in so doing, imagined he was acting in the faithful discharge of the trust committed to him: if the House thought otherwise, he could not, nor would not, remain in that chair. Mr. Dunning said, the dignity of the House was gone, if the chair was permitted to be degraded. It was plain the blow was ultimately aimed at the House through the chair; and that the present was an experiment, made purely with a view to see to what a pitch of humiliation and disgrace the House would bear to be humbled and let down. It was, in fact, an attempt of a court faction, to render the representatives of the people despicable, as well as detestable, in the eyes of their constituents. Mr. Attorney General Thurlow entered into a kind of dissection of the speech. He insisted, that it neither contained the sentiments of the House, nor was it strictly supported by fact; for, "the large present supply, &c. great beyond his majesty's highest wants, &c." did not exceed 14,000*l.* which was represented in the speech to be "a very great additional revenue." The great stress laid on the overplus might have been better spared, as it would have been extremely mean, when they were voting the augmentation, to withhold the difference between the expenditure and the grant. He contended, that the Speaker spoke his own sentiments, not those of the House. He recommended, that the affair might go no farther, but that the motion might be withdrawn.

Mr. Fox spoke in justification of his motion. He said, the right honourable gentleman (Mr. Ellis) had given, what he should call the watch-word; which had been followed by the attorney general. He observed, that those gentlemen had founded their argument for withdrawing the motion chiefly on the speech not being the sentiments of the House; whereas the contrary was the fact, and the journals gave evidence of it. But, however, if those gentlemen and their friends thought differently, as the framer of the motion, he was ready to come to issue on that point with them, and doubted not but he should prevail. He was satisfied that the House would never

consent to their own degradation and disgrace in the person of their Speaker, nor would submit to contradict on a Friday, what they had approved on the Wednesday immediately preceding. Among the many censures, and more numerous insinuations, thrown out against the speech, it was said not to be grammar. He should not enter into nice grammatical distinctions, or trouble himself or the House about a choice of words, or elegancies of expression; but he was sure, if the Speech was not grammar, it abounded in good sense, which was of infinitely greater value, and conveyed the true, unbiassed sense of the House, and of every man on either side, till he was bought over to a sacrifice of his principles and conscience.

Mr. Rigby still adhered to his former opinion, and justified his conduct on his right to deliver his sentiments freely on every subject arising in that House, or out of it, if it was a matter properly cognizable there; but he disclaimed the least intention of making any personal reflection on the chair; and moved "that the House do now adjourn." This motion was opposed by Governor Johnstone, Sir George Savile, Mr. Sawbridge, and Sir George Yonge. Mr. Solicitor General Wedderburn wished the affair might be suffered to pass off without taking the sense of the House upon it. Upon which, Mr. Rigby said, if it was the sense of the House, he was ready to consent that the motion of adjournment should be withdrawn. He had no intention of driving the Speaker from the chair; nor, if he were ever so desirous so to do, was he of power or consequence enough to effect it. He maintained the right of private opinion, and freedom of speech; he meant no more from the beginning; and, as a member of that House, in so doing, he presumed, he had not exceeded his duty. The motion of adjournment was then withdrawn, and the question being put on Mr. Fox's motion, it was carried without a division, almost unanimously. As soon as the motion was carried, Mr. Serjeant Adair moved, "that the thanks of this House be returned to Mr. Speaker, for his said speech to his majesty," which was likewise agreed to.

The Budget.

May 14.

LORD NORTH having opened the Budget,

Mr. Fox rose and observed, that the great object of the war was a revenue to be drawn from America. Experience had now

convinced all men of common sense, let the present campaign be ever so prosperous in point of victory or negociation, that no revenue now, nor hereafter, was to be drawn, or even so much as expected, from America. The idea was scouted by his lordship's warmest friends; yet the noble lord, to amuse the country gentlemen, talked of relief from that quarter. Our burthens were to be shifted on the shoulders of our American brethren. He doubted much whether the noble lord had ever any such serious expectation. He might have an immediate interest in affecting to think so; but whatever might be his motives then, he was certain the noble lord would not roundly assert, that he seriously expected America would ever afford any other revenue to Great Britain but what might be derived from her trade in amity, even in the event of a successful war, or an amicable negociation. He appealed to his lordship, if the tea-tax was not the cause of the present war? Was it consistent with common sense, that America, with a powerful fleet and army, would enter into a negociation to pay a tax which they had spent so much blood and treasure to resist? It was preposterous to hold out such ideas to a society of grown persons. His lordship must surely by this time have learned, that even that House began to be tired; the sensible men, the noble lord's own friends, are grown sick of war, and the expence attending it. Contractors and placemen, and their dependents, only wished for its continuance. If they are ashamed to take the task upon themselves, the Lords may do it for them. They will have been the means of repealing the plate-tax, why not dispose of that on tea in the same manner? He endeavoured to prove, that the nation would be a loser of above ten per cent. upon the loan, which was full half a million: and that, considering all circumstances, it was the most scandalous bargain that ever was made for the public. He was certain, he said, that a shilling would never be got from America; for, after the repeated successes which he had often heard dwelt upon in that House, our troops had gained in America, and the cry in consequence of those successes, that America was conquered, and all was over; what was the case? On the very first action in which America had the advantage, and defeated the Hessians in their post at Trenton, the American army increased immediately; our army was obliged to give way; nor had we force to protect or avail ourselves of the advantages we had gained, so as to be able to keep our ground. From this single circumstance, he had a right to infer two things; that our force was not equal to conquest, and that it was impossible we could expect to bring America over by fair means, while we continued to insist on taxing her. He

was very severe on the inhuman conduct of the Hessians, in plundering the innocent natives, and abusing the aged and helpless. Our own troops were almost as culpable, with this difference, that the English spent the spoil, and the foreign barbarians hoarded it. He could venture to inform the House, that America had raised a very formidable force against the next campaign, with little or no difficulty, while our army would be considerably weaker than it was at the opening of the last. He had frequently heard the paper money of the colonies depreciated by the noble lord; but he doubted, notwithstanding the painted outside held forth this day, whether it would not be found security equally substantial with any one fund the noble lord could devise.

East India Company's Affairs.—Deposition and Imprisonment of Lord Pigot.

May 21.

THE House being in a committee of the whole House, on the affairs of the East India Company, Governor Johnstone moved several resolutions, upon which, if carried, he intended to found a bill for the better securing our settlements in the East Indies. The resolutions went to a strong approbation of Lord Pigot's conduct, as governor of Madras; to a confirmation of those late acts of the Company, which had been either passed in his favour, or in condemnation of the conduct of the faction at Madras; and to annul the resolution for his recall. The motion was strongly opposed by the friends of administration, though most of the principals were upon this occasion absent. On the other side, Mr. Rous, Mr. T. Townshend, Mr. Fox, and Mr. Burke, were on this day particularly distinguished.

Mr. Fox opened with a remark as to the objection of bringing on the business at that time of the year; he desired gentlemen to remember that it was in the month of May they voted away the liberties of America, that it was in the month of May they voted the Quebec establishment so contrary to our constitution; and he thought no time so proper as the present for the business before them. When a noble lord (Pigot) had suffered a violence unknown under any legal government in the world; had been thrown from his seat of office, arrested, imprisoned, and his life threatened by the military power, trampling upon the civil, it was necessary to

make an enquiry how this dark transaction had been contrived, and by whose influence, those who were the principal actors and agents in it, were encouraged both at home and in India. He said it was evident the nabob of Arcot wanted to be master of the East India Company's affairs; and this he could not effect, without removing a governor sent out expressly to controul his power. Lord Pigot was the only governor in any part of his majesty's dominions who had gone out without the approbation of the minister, therefore he must be removed, therefore the agent of the nabob must be countenanced here, and a resolution to recall him be contrived for the purpose. For his part, he saw it was impossible for the muscles of the human face to be kept composed, while such an absurd resolution was read: he never had met with any one man, of any party whatever, who approved it. He had heard, ever since he knew any thing of public affairs, that Tanjore was a rich country, that all the other parts of India had been plucked till they could bear no more, but Tanjore still remained to be fleeced, and would afford fine pickings for the nabob of the Carnatic and his party in England and in Asia. He saw a chain of connection established long since between the nabob and administration, which was now made public by the arrival of the nabob's ambassador, who had not yet declared himself in form, but had been perfectly well received. He justified Lord Pigot principally upon the justification and representation of his enemies and persecutors; upon the accounts transmitted home by Mr. Stratton, and the other counsellors, who stood in the same predicament. He contended, that this was evidence not to be controverted, or explained away. It was a record against the parties, the truth and authenticity of which they could not now dare to appeal from. He said, the effect of this evidence throughout, led to the most certain self-conviction. He passed the highest encomiums on the virtues and military talents of Lord Pigot; and was so very able, pointed, convincing, and severe, that several of the members, in a transport of approbation, forgot themselves so far, as to testify it in accents of Bravo! Hear him!—which they accompanied with a clapping of hands [a conduct unprecedented.] He observed, that there was a remarkable deficiency of members in the House, which shewed the opinion that men in office had of the business. One learned gentleman, the attorney general, was ill; the next in the law did not choose to be present, to risk the defence of such a proceeding as that now condemned; he supposed he too was ill. A noble lord (George Germain), who was upon every occasion so anxious to discountenance rebellion in the west, might have been supposed an equal enemy to it in the east,—but he

also was absent. Many, however, as were absent from this dirty business, there were enough, he feared, present, to insure its success.

The question being put at one o'clock in the morning, the committee divided: Yeas 67: Noes 90. A motion was then made, that the chairman do now leave the chair, which was agreed to without a division. So that the resolutions were lost.

Address on the King's Speech at the Opening of the Session.

November 18.

THE session opened on the 18th of November. The speech from the throne expressed great satisfaction, in having recourse to the wisdom and support of parliament in this conjuncture, when the continuance of the rebellion in America demanded their most serious attention. The powers with which parliament had entrusted the crown for the suppression of the revolt, were declared to have been faithfully exerted; and a just confidence was expressed, that the courage and conduct of the officers, with the spirit and intrepidity of the forces, would be attended with important success: but under a persuasion that both Houses would see the necessity of preparing for such further operations, as the contingencies of the war, and the obstinacy of the rebels, might render expedient, his majesty was, for that purpose, pursuing the proper measures for keeping the land forces complete to their present establishment; and if he should have occasion to increase them, by contracting any new engagements, a reliance was placed on their zeal and public spirit to enable him to make them good. Although repeated assurances were received of the pacific disposition of foreign powers, yet as the armaments in the ports of France and Spain were continued, it was thought advisable to make a considerable augmentation to our naval force; it being equally determined not to disturb the peace of Europe on the one hand, and to be a faithful guardian of the honour of the crown on the other. The Commons were informed, that the various services which had been mentioned, would unavoidably require large supplies; and a profession was made, that nothing could relieve the royal mind from the concern which it felt for the heavy charge they must bring on the people, but a conviction of their being necessary for the welfare and essential interests of these kingdoms. The speech concluded with a resolution of steadily pursuing the measures in which they were engaged, for the re-establishment of that constitutional subordination which his majesty was determined to maintain through the several parts of his dominions; ac-

companied with a profession of being watchful for an opportunity of putting a stop to the effusion of the blood of his subjects; a renewal or continuance of the former hope, that the deluded and unhappy multitude would return to their allegiance, upon a recollection of the blessings of their former government, and a comparison with the miseries of their present situation; and a declaration, that the restoration of peace, order, and confidence to his American colonies, would be considered by his majesty as the greatest happiness of his life, and the greatest glory of his reign. An address in perfect unison with the speech having been moved by Lord Hyde, and seconded by Sir Gilbert Elliot, the Marquis of Granby moved the following amendment: "To assure his majesty, that this House does most humbly advise and supplicate his majesty to be pleased to cause the most speedy and effectual measures to be taken for restoring peace in America; and that no time may be lost, in proposing an immediate cessation of hostilities there, in order to the opening of a treaty for the final settlement of the tranquillity of those invaluable provinces, by a removal of the unhappy causes of this ruinous civil war, and by a just and adequate security against the return of the like calamities in times to come: and this House desires to offer the most dutiful assurances to his majesty, that they will, in due time, cheerfully co-operate with the magnanimity and tender goodness of his majesty, for the preservation of his people, by such explicit and most solemn declarations and provisions of fundamental and irrevocable laws, as may be judged necessary for ascertaining and fixing for ever, the respective rights of Great Britain and her colonies." The amendment was seconded by Lord John Cavendish, and was warmly supported in general by the Opposition.

Mr. Fox asserted, that the idea of conquering America was absurd; and that such an event was, in the nature of things, absolutely impossible. He proved his assertion from the situation of the country, the disposition of the people, and the distance from Great Britain. He said, that though the resources of this empire might be such as to enable us to carry on the war for several campaigns more, there was a fundamental error in the proceedings, which would for ever prevent our generals from acting with success: that no man of common sense would have placed the two armies in such a position as from their distance made it utterly impossible that one should receive any assistance from the other. That the war carried on by General Burgoyne, was a war of posts: that the taking of one did not subdue the country, but that it would be necessary to conquer it inch by inch: that his army was not equal to the task, for the numerous skirmishes with the enemy, and the natural difficulties of the country, would so retard his motions, that the campaign must be ended before the object of it was fulfilled; and that if he was happy enough to join Sir William Howe, it must be with nothing more than the shat-

tered remains of an army mouldered away, which might have been of some service to the cause, if by the blunders of the ministry they had not been sent where it was impossible they could act, unless under the greatest disadvantages; such as must be obvious to a man of the meanest abilities, and which could escape no one but the inauspicious minister for American affairs.—He was severe on Lord George Germain: he declared that ever since the day that nobleman forced himself into administration, our affairs began rapidly to decline. That it was the measures which he dictated to the ministry, that drove the Americans to a declaration of independence; and that as he was the cause of the continuance of the war, so he ought not only to be removed from the management of our officers, but be made to know, that a minister was accountable to the nation for the orders he gave, and the measures he advised. He expressed the greatest horror at arming the Indians, and letting them loose, not only against the troops of America, but also against the defenceless women and children, whose bodies even death could not rescue from the insults and barbarity of the savages. He said, he wondered how a prince so famed for his humanity, benevolence, and sanctity of manners, as his present majesty was, could abet or suffer such miscreants to remain in his camp, when it was well known that brutality, murder, and destruction, were ever inseparable from Indian warriors. He took a cursory view of the operations of the several campaigns; shewed how little we had gained, and of course how little we might expect to gain; and expressed his hearty wishes that we were now in as good a state, as when the noble lord found us, in 1775. He asserted that France was the directress of our motions; that we went no farther than she thought proper to permit us; and that the fate of the American contest depended on her councils; that if she declared war, the immediate consequence must be an evacuation of America; our troops and ships must be called home to defend ourselves, and America of course become free. He reprobated all the proceedings: and asked for what purpose hostilities were commenced? If it was to maintain the navigation act, why were so many French bottoms employed in the river? If it was to raise a revenue, he observed, that the ministry took a very curious step to effect their purpose, by plunging the nation into a new debt of fifteen millions. If they intended to secure the commerce of America by arms, they had most happily hit upon a plan, that not only deprived us of the benefit of it, but had thrown it all into the hands of our enemies. He said, if terms were offered to the Americans before it was too late, they might perhaps accept them: that at least it would be doing no more than justice required at

our hands; that it would detach many of them from the Congress, and by dividing them, facilitate a conquest; that he could not wish to see them reduced to unconditional submission; which it was not more unjust to require, than impossible to force them to. He concluded by giving his hearty consent to the amendment.

The House divided on the amendment:

	Tellers.			*Tellers.*	
YEAS	Mr. Fox, Mr. Byng	86.	NOES	Mr. C. Townshend, Mr. Robinson	243.

So it passed in the negative. After which the original address was agreed to.

MR. FOX'S MOTION FOR AN ENQUIRY INTO THE STATE OF THE NATION.

December 2.

IN pursuance of the notice he had given,

Mr. Fox rose to move the House, that on a future day they should form themselves into a committee of the whole House, to consider of the state of the nation. He thought it necessary, he said, to explain the meaning and extent of the several motions he meant to propose, which he would do in a very few words. He meant, then, that the committee should consider the expences that the nation had incurred in consequence of the American war, and the resources that we possess to raise the supplies necessary for its continuance. In the second place, the loss of men from that war. Thirdly, the situation of trade, both with regard to America and the foreign markets. Fourthly, the present situation of the war, and the hopes that we might rightly entertain from its continuance, and the conduct and measures of the present administration, of a lasting peace, and also our present situation in regard to foreign powers. And *fifthly*, to consider what progress Sir William and Lord Howe had made in consequence of the powers intrusted to them as commissioners, by an act of the 16th of his present majesty's reign, for granting pardons, &c. for the purpose of bringing about a peace between Great Britain and the colonies. Under these

general heads, many other enquiries would arise, and it would be the business of the committee to follow every path that promised to lead to a thorough investigation and discovery of the real state of the nation. If, continued he, it appears that the nation is in a bad state, and that the late and present measures of administration have reduced us to an extremity, which he was afraid they certainly had, a new system must be introduced, and a new set of ministers appointed; but if, on the contrary, the nation should be found in a flourishing state, and the present measures likely to prove successful, the present system should be, by all means, continued, and the present ministers remain in power; for none, he was assured, but the present ministers, could prosecute the present system. He concluded with moving, "That this House will, upon Monday, the 2d of February next, resolve itself into a committee of the whole House, to consider of the state of the nation."

Lord North said he cheerfully agreed to the motion, and would do all in his power to promote the great end he had in view. Nothing would give him more true delight, than to convince the House that the state of the nation was much more flourishing than many of the opposite side actually did, or affected to believe. At the same time he wished to be understood, that his ready compliance with the motion should not preclude him from objecting to papers being laid before the House that might prove inconvenient, or hurtful to the country. The motion was agreed to: and the House was ordered to be called over on the 2d of February.

Mr. Fox rose again, and moved, "That there be laid before this House: 1. An Account of all the men lost and disabled in his majesty's land service (including marines serving on shore, and all foreign troops in British pay) by death, desertion, captivity, wounds, or sickness, in any province of North America, since the 1st of November, 1774; distinguishing each year, corps, and service. 2. A List of the different ships and vessels of war, and hired armed vessels, which have been employed in his majesty's service in North America, since the 1st of November 1774; together with the number of men lost or rendered unserviceable in each ship or vessel respectively, by death, desertion, captivity, wounds, or sickness; distinguishing each head. 3. General Returns of the hospitals in North America, made up from the 1st of November 1774, to the 1st of October 1777; together with the state of them, according to the last returns; distinguishing the numbers of men of all denominations which have died or recovered during the above-mentioned period. 4. An Ac-

count of the ships of war and armed vessels, appointed as convoys to the trade of this kingdom and Ireland, since the passing in the 16th of his present majesty, the American Prohibition Act; distinguishing the names and force of the ships appointed, and the particular dates and services upon which they were so appointed as convoys; together with the notices given to the traders of the time prefixed for their sailing, and the actual times at which they sailed respectively. 5. An Account of his majesty's ships of war which have been employed, since the passing of the said Act, as cruizers for the protection of the trade of this kingdom and of Ireland, the stations of such ships, and how long ordered to continue thereon, with the times of their going to sea, and returning into port. 6. Copies of the last general monthly return of the forces in Great Britain. 7. Copies of the last general monthly return of the forces in Ireland. 8. Copies of the last general monthly returns of his majesty's forces, as well foreign as British, in North America and the West Indies." — All these motions were agreed to. He next moved for "Copies of all such papers as relate to any steps taken for the fulfilling of that clause of an Act, passed in the 16th year of his present majesty, intituled, 'An Act to prohibit all trade and 'intercourse with the colonies of New Hampshire, Massa-'chuset's Bay, Rhode Island, Connecticut, New York, New 'Jersey, Pennsylvania, the three lower counties on Delaware, 'Maryland, Virginia, North Carolina, South Carolina, and 'Georgia, during the continuance of the present rebellion 'within the said colonies respectively; for repealing an Act, 'made in the 14th year of the reign of his present majesty, 'to discontinue the landing and discharging, lading or ship-'ping of goods, wares, and merchandize, at the town and 'within the harbour of Boston, in the province of Massa-'chuset's Bay; and also two Acts, made in the last session 'of parliament, for restraining the trade and commerce of 'the colonies in the said Acts respectively mentioned; and 'to enable any person or persons, appointed and authorized 'by his majesty to grant pardons, to issue proclamations 'in the cases, and for the purposes, therein mentioned;' by which, persons, appointed and authorized by his majesty, are empowered, under certain conditions, 'to declare any 'colony or province, colonies or provinces, or any county, 'town, port, district, or place, in any colony or province, 'to be at the peace of his majesty;' and also that his majesty would be pleased to direct, that a return of such colony or province, colonies or provinces, county, town, port, district, or place, in any colony or province, as has or have

been declared to be at the King's peace, pursuant to the powers of the said Act, be laid before this House."

This last motion was opposed strongly by Lord North, upon the ground, that the producing and exposing of any papers relating to a negociation during its existence, would be a proceeding not only contrary to all established forms and practice, but totally subversive of the business in hand, and probably attended with the greatest prejudice to the cause in general. He declared himself ready and willing to grant every reasonable information in his power; but he also declared, that he neither could nor would consent to make discoveries, which would not be less inconsistent with all sound wisdom and true policy, than prejudicial to government, and contrary to the real interests of this country. Mr. Burke complimented the minister's candour and generosity in agreeing to the first motion; but compared his subsequent conduct to that of a man who executes a bond, but inserts a defeazance with a power of revocation, retracting every grant he had made. This conduct reminded him of the situation of Sancho Panza in the government of Barataria; a table plentifully provided, was placed before him, but on various pretences every dish was removed, and the unfortunate governor obliged to dispense with his dinner. Mr. Dunning contended in favour of the demand; and Mr. Attorney General Thurlow was answering his arguments, when intelligence was circulated in a whisper, that the very papers in question had been just granted in the other House, on the motion of the Duke of Richmond. The Attorney General was for a moment disconcerted, but declared, whatever might be the conduct of ministers, he, as a member of parliament, never would give his vote for making public the circumstances of a negociation during its progress. Lord North, somewhat irritated at a triumphant laugh which prevailed among the members of opposition, said, that whatever effect the anecdote might have on the House, he should adhere to his former opinion. It was disorderly to mention the decisions of the Lords in order to influence the determination of the Commons; who, as an independent body, should not change their sentiments on a mere unauthenticated report. Colonel Barré bantered the minister on the unusual circumstance of losing his temper.

Mr. Fox observed, that the only argument which had been offered against his motion, was now overturned by the vote of the Lords, namely, the danger of betraying secrets. These secrets were to be laid open by the resolution of the Upper House: it was, therefore, no longer an argument to be refuted. He would not recede from the liberal extent of the motion. The instructions to our commissioners, which the noble lord wanted to conceal, were a principal object to him. He was told of a pending negotiation; it had already been pending for two years, and if it were to continue for twenty

more, the same reason would hold good till then, against an enquiry into the reasons why it had not succeeded. As yet, no visibly good effect had been experienced from granting the instructions, except the income of 100*l.* a-week to each of the commissioners. The noble lord said, he had mentioned that those instructions had been moved for before, and refused for the reason now advanced: it was not right to disclose them at that time. Is that, then, never to be granted, which has been once refused? Is the glorious right of being ignorant of public affairs never to be given up? Are we to tell our constituents, we are not fit to be trusted with the knowledge of public transactions, — that they are only to be communicated to the House of Lords? I may be told, said he, we are contending for a very trifling matter, and that when all the steps taken towards a pacification are laid before us, they will amount to nothing: their effect will, of course, be nothing. Yet, I contend, that those two nothings will amount to something. You know, Mr. Speaker, that in your profession there is a form of returning a writ *nihil*; yet, Sir, you well know, that a return of two *nihils* amounts to a *scire facias*, which is a powerful something. Now, the something that would be produced by the two *nihils* which may be returned to us upon the present enquiry, will be a conviction to the nation, as well as to this House, of the incapacity or absolute disinclination in administration to put an end to the distractions with which this empire is torn; and enable us to apply an effectual remedy to those disorders, before the folly, madness, or wickedness of ministers shall have brought us to a state of irretrievable ruin. By shewing us the causes why past negotiations have failed, it will point out a mode of proceeding, which may be free from those difficulties that have caused our past miscarriages. Convinced, perhaps, of the inefficacy of violent remedies, we may learn, though late, to prescribe lenitives. For the two years that a certain noble lord (George Germain) has presided over American affairs, the most violent, scalping, tomahawk measures have been pursued: — bleeding has been his only prescription. If a people deprived of their ancient rights are grown tumultuous, — bleed them! If they are attacked with a spirit of insurrection, — bleed them! If their fever should rise into rebellion, — bleed them, cries this state physician! more blood! more blood! still more blood! When Dr. Sangrado had persevered in a similar practice of bleeding his patients, — killing by the very means which he adopted as a cure, — his man took the liberty to remonstrate upon the necessity of relaxing in a practice to which thousands of their patients had fallen sacrifices, and which was beginning to bring their names into disrepute.

The Doctor answered, "I believe we have, indeed, carried the matter a little too far, but you must know I have written a book upon the efficacy of this practice; therefore, though every patient we have should die by it, we must continue the bleeding for the credit of my book." — He asked the noble lord, who had often held Mr. Washington and his army very cheap, what idea he entertained of their courage and abilities since he read the accounts arrived that very day? — He said, a few days ago he dropped a suspicion of some division in administration, conceived from the circumstance of reading the King's Speech at the house of a certain noble lord on the day before it was delivered in parliament. The premier then contradicted him, and talked largely of their unanimity; but, now, his words were verified, from the different sentiments of ministers in the Upper and Lower House: and hence he was warranted, he thought, in drawing this conclusion, — that he, whose sentiments seemed most reasonable, was the most inconsistent in his conduct. The noble lord at the head of the treasury always professed a disposition for peace; yet would not give any proofs that he had taken a single step towards obtaining it: but the minister in another House had ever declared, that it was his opinion nothing ought to be done by us towards a pacification; he, therefore, shewed no objection to produce papers, which, in testimony of his consistency, would shew that nothing had been done. — The honourable gentleman concluded with a suggestion to those members who talked sometimes of being independent in their principles, though they constantly supported administration; — telling them, if they did not on this occasion stand up for the dignity of the House, they could never after wipe away the imputation of being mere puppets of the minister, without one principle of reason, pride, or honour.

The House divided on Mr. Fox's motion:

	Tellers.			*Tellers.*	
YEAS	Mr. Fox Lord J. Cavendish	89.	NOES	Mr. Rice Sir G. Cooper	178.

So it passed in the negative.

EXCLUSION OF STRANGERS FROM THE GALLERY OF THE HOUSE.

January 29. 1778.

COLONEL John Luttrell complained, that in a certain morning paper, which he held in his hand, but which he did not name, he had been grossly misrepresented, and charged with having, on a late occasion, behaved unparliamentarily, and that for so doing he had received the censure of the House. He insisted a good deal on the calumny of such a charge, made many severe strictures on the conduct of the editor of the paper in thus aggravating and mis-stating facts, and thereby rendering him infamous in the eyes of the public. He considered such conduct as too heinous to be forgiven, and therefore he informed the House, that, for his future safety and protection, he was determined to move, that the Standing Order of the House for excluding Strangers from the Gallery, should be strictly enforced. Upon this,

Mr. Fox took occasion to observe, that he was convinced the true and only method of preventing misrepresentation was by throwing open the gallery, and making the debates and decisions of the House as public as possible. There was less danger of misrepresentation in a full company than in a thin one, as there would be a greater number of persons to give evidence against the misrepresentation. The shutting of the gallery could not prevent the proceedings of the House from finding their way to public view; for during a certain period, when the gallery was kept empty, the debates were printed. let the manner of obtaining them be what it might; and in fact, the public had a right to know what passed in parliament.

Mr. Burke was of Mr. Fox's opinion. He said he had not a doubt about the propriety of opening the doors to strangers; considering it either as the channel of information to the constituents of the members, or as a school for the instruction of youth. Nay, as the source of information and amusement to the ladies, it was a matter of very serious concern, and ought not to be done away and sported with at pleasure. Colonel Luttrell owned, that the arguments of Mr. Burke had staggered his former judgment, and he was now convinced, it would be odious to carry the order to its rigour. He therefore should not press his motion.

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Mr. Fox's Motion, in a Committee on the State of the Nation, "That no more of the Old Corps be sent out of the Kingdom."*

February 2.

THE order of the day being read, for the House to resolve itself into a Committee of the whole House, to consider of the State of the Nation; the several estimates, papers, and accounts which had been moved for, were referred to the said Committee. The House then went into the Committee, Mr. Pulteney in the chair. Upon which,

Mr. Fox rose, and after an apology for the trouble he was going to give the Committee, and noticing his own personal good fortune in having his audience reduced *, being per-

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* "This day, a vast multitude assembled in the lobby and environs of the House of Commons, but not being able to gain admission either by intreaty or interest, they forced their way into the gallery in spite of the door-keepers. The House considered the intrusion in a heinous light, and a motion was directly made for clearing the gallery. A partial clearing only took place; the gentlemen were obliged to withdraw; the ladies, through complaisance, were suffered to remain: but Governor Johnstone observing, that if the motive for clearing the House was a supposed propriety, to keep the state of the nation concealed from our enemies, he saw no reason to indulge the ladies so far as to make them acquainted with the arcana of the state, as he did not think them more capable of keeping secrets than the men; upon which, they were likewise ordered to leave the House. The Duchess of Devonshire, Lady Norton, and nearly sixty other ladies were obliged to obey the mandate." London Chronicle.

"When a member in his place takes notice to the Speaker of strangers being in the House or gallery, it is the Speaker's duty immediately to order the Serjeant to execute the orders of the House, and to clear the House of all but members; and this, without permitting any debate or question to be moved upon the execution of the order. It very seldom happens that this can be done without a violent struggle from some quarter of the House, that strangers may remain. Members often move for the order to be read, endeavour to explain it, and debate upon it, and the House as often runs into great heats upon this subject; but in a short time the confusion subsides, and the dispute ends by clearing the House; for if any one member insists upon it, the Speaker must enforce the order, and the House must be cleared.

"The most remarkable instance of this, that has occurred in my memory, was at a time, when the whole gallery and the seats under the front gallery, were filled with ladies; Captain Johnstone of the navy (commonly called Governor Johnstone) being angry, that the House was cleared of all the "men strangers," amongst whom were some friends he had introduced, insisted, that "all strangers" should withdraw. This produced a violent ferment for a long time; the ladies shewing great reluctance to comply with the order of the House; so that, by their perseverance, business was interrupted for nearly two hours. But, at length, they too

suaded he should not have answered the great expectations which had brought them down to the House, stated the motion he was about to make, and the grounds of it, in the following, but much more correct, elegant, and energetic, manner.

Sir; it is my intention to enter this day only into the minor part of the business, which I hope will undergo the consideration of this committee; — a committee, Sir, appointed for the important purpose of considering the present alarming State of the Nation. I must, however, beg not to be considered as the mover in this momentous concern; it is the nation that calls for this enquiry, and I am only one instrument in the bringing it about. What I have to beg of the House, is not to mix this day's business with any thing that has passed before, but to go plainly and directly to the business, to consider what is the actual state of the country, and how Great Britain can be saved from the critical situation in which she now stands. And in considering the subject, I would wish gentlemen would agree with me at least so far, as to divest themselves of all former opinions, of all favourite ideas, and of all prejudices which may have been contracted in the course of past debates, and take them up anew as they are the result of the present enquiry, and the fair deductions from the information now conveyed to the House. I would wish gentlemen to forget their animosities, and consider themselves neither as friends nor enemies to America, nor that country either with love or hatred, but regard it with a calm and dispassionate mind, as a part, and a very considerable part, of the British empire.

Sir; the method I have chalked out to myself, as the most likely way to bring men to a right understanding of the present state of the nation, and to point out what conduct it is our interest in future to pursue, is to state facts as they appear from the papers on the table; first, with respect to the Army, that in the years 1774, 1775, 1776, and 1777, there was such an army, consisting of so many thousand men, and that such and such operations were performed;

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were compelled to submit. Since that time, ladies, many of the highest rank, have made several powerful efforts to be again admitted. But Mr. Cornwall and Mr. Addington, have as constantly declined to permit them to come in. Indeed, was this privilege allowed to any one individual, however high her rank, or respectable her character and manners, the galleries must be soon opened to all women, who, from curiosity, amusement, or any other motive, wish to hear the debates. And this to the exclusion of many young men, and of merchants and others, whose commercial interests render their attendance necessary to them, and of real use and importance to the public." Hatsell's Precedents, vol. 2. p. 172.

I shall, secondly, state the impossibility of increasing that army; and, thirdly, the enormous expence that has already been incurred. The resources in men and money thus failing us, the conclusion naturally is, that there must be some sort of negotiation, and in this part of the business I cannot too much lament, that my motion for papers relating to what has already passed on this subject was rejected. This would have enabled the House to judge of the impediments that have hitherto prevented such negotiations from taking place, and to provide some adequate remedy.

After having stated these facts, and drawn this conclusion, which, I think, may fairly be deduced from them, I shall go retrospectively, and shew that the war has been mismanaged, even on the principles of those who undertook it. It will be, then, a proper time to look back, and see to what our want of success has been owing, as I believe I may lay it down as an incontrovertible axiom, that, when a country falls, within the short space of a few years, from the highest pinnacle of glory to which any country, either in ancient or modern times, ever arrived, there must have been some radical error in the government of it: though at the same time I will allow, that if it should turn out that there is a radical error, it is not of itself a proof of the criminality of ministers. I am inclined to think, that there has been a radical error in carrying on the war at all, and likewise that there have been errors equally great in the conduct of it.

Sir; I shall not now enter into any more of the proceedings relative to America, than are necessary to shew the immediate steps which have brought us into our present situation. Without discussing the various questions which have been for many years agitated in parliament, I shall take up the measures relative to America in the year 1774, when the riots at Boston first called for the attention of this House: papers were, indeed, called for and granted, but there were some things that tended that year to shut the eyes of ministers to the true state of that country, and the true interest of this,—which was to prevent, rather than stimulate and increase the general discontents in the colonies; every body must allow, that the agreement with the East India Company was a most unfortunate one, and the immediate source of all the troubles that have since followed; every body knows what happened. Here began a capital mistake of the ministry; they mistook a single province for a whole continent; they mistook the single province of Massachuset's Bay for the American empire. Virginia, a colony no less jealous of its rights, nor less warm in its assertion of them, was entirely forgotten: it was not thought possible that any other colony should unite with the

Massachuset's; now, whoever fights against ten men, and thinks he is contending only with one, will meet with more difficulties than if he was aware of the force brought against him; for I believe I may lay it down as an undoubted maxim in politics, that every attempt to crush an insurrection with means inadequate to the end, foments instead of suppressing it. The case here was, you took a great object for a small one, you took thirteen provinces for one; and not only that, you imagined the other twelve were with you, when the very act you were then doing, made those twelve equally hostile; for another misfortune at this time was the taking a violent step against the town of Boston. If America was not before sufficiently united in a determined resistance to the claims of this country, this measure made all America combined; they were all from that moment united with the town of Boston, which might have been before the object of the jealousy of the rest. Another mistake was the altering the government of the province of Massachuset's Bay, whereas the acts of all the other colonies, as well as this, plainly shewed it was not the form of government in that province which occasioned the commotions there, because other provinces, which depended more on the crown, and which have the appellation of royal governments, were not less early or less vigorous in their opposition and resistance. Now, Sir, if the form of this government was not itself the cause of the troubles in that country, then the alarm given by the alteration of that government was certainly a most capital mistake; because it gave the whole continent reason to think, and to fear, that they had no security in the permanency of their government, but that it was liable to be altered or subverted at our pleasure, on any cause of complaint, whether real or supposed; their natural jealousies were awakened; by the same reasoning, the governments of the other colonies, though much more dependent on the crown, might be rendered entirely despotic, and they were all from thence taught to consider the town of Boston as suffering in the common cause, and that they themselves might very soon stand in need of that assistance which they were now lending to that unfortunate town.

But, Sir, there was another circumstance which tended to mislead the House, and for which the ministers and not the House were entirely to blame, and that was the partial manner in which they laid papers before the House; they laid the accounts of facts, but no opinions of people upon the spot as to the extent of the resistance, the temper of the people, or any other circumstance concerning it. Now, Sir, if men are endued with passions, if they are not mere machines, the knowledge of facts is nothing, unless it is accompanied with a

knowledge of the springs and motives from whence such actions proceeded. Suppose, for instance, a person in a distant country had no other way of judging of the temper of this House, and of the motives of their conduct, but from our printed votes; could such a man form any judgment of the reasons why such a line of conduct was approved, and why such a one was rejected? Sir, it would be ridiculous in the extreme to suppose it. Now, Sir, I will venture to affirm, that this House was not in the year 1774 informed of the spirit of opposition there was in America, and of their prejudices against taxation. If they had, I should hope they would have thought it wise, if not just, to have applied such remedies as might have healed rather than irritated the distemper. But, instead of any thing of this sort, other bills were immediately passed, shewing that all was of a hostile nature, and that nothing was to be expected from this country but coercion and punishment, particularly the Act, as it is called, for the more impartial Administration of Justice; I mean the Act for sending over persons to be tried here in England. This gave the idea of a great and effective army, as a provision for the consequences of much bloodshed and slaughter. And, after all, what sort of an army was sent? As that Act excited their terror as well as indignation at our injustice, so the army that was sent excited their derision, without at all lessening their resentment. It taught them to contemn the power of this country, as much as they abhorred its injustice.

But, as if all this was not sufficient to irritate and provoke, the Quebec Act was passed, the contents of which every body knows. The principal purpose of this Act was to form a great interest in Canada, to be a perpetual check upon the southern provinces, and to keep them in awe; it was considered in this light in America, and was held up by the violent party in that country, as a specimen of the form of government that might be introduced and established in every part of that continent. Hardly any man after this would say a word in favour of the British legislature; every remaining friend to government, as he was called, that is, every man less violent than the most violent, had nothing to say in favour of the good intentions of the mother country. After this Act passed, it put an unanswerable argument in the mouths of all parties, that the intentions of Great Britain were vindictive in the extreme. The makers of the Quebec Act, whoever they were, thus became the friends to the violent party in America. If they had not thus seasonably interposed, there was a chance of America being divided, or at least of there being different degrees of resistance in its colonies. This made them all not only more firmly united,

but equally zealous and animated, equally determined to go all lengths rather than submit. Now, Sir, the passing of that Act at that time, had the same effect that, for instance, the repeal of the Test Act would have had in King William's time; for however great a friend I am to universal toleration, I should certainly have been against it at that period, because it would have disobliged one party, more than it would have served another; it would have joined a great body of Tories to the enemies of the Revolution, who were already sufficiently numerous. From the moment, Sir, this Quebec Act passed, there was only one party in America: it stopt the mouths of the moderate pary, if any such were still left.

Another extraordinary idea, Sir, was at this time taken up, namely, that the coercive Acts passed in that session would execute themselves. The only argument in favour of the ministers on this head is, that they thought the army there sufficiently strong to enforce the execution of these Acts. This is another instance in which the parliament confided absolutely in ministers, as I allow must sometimes be the case; it may not be fit on all occasions for parliament to know, while an important business is in execution, every step and every particular; there must be a certain degree of confidence reposed in ministers: that confidence was reposed here, and ministers are therefore answerable if it should appear that they have abused it. Sir, in 1775, ministers began to be afraid, that more ill consequences might follow; they then found, for the first time, that the cause of Boston was the cause of America; they therefore passed more laws, and sent out a capital reinforcement, with three able generals. The Americans, on the other hand, became still more united; the name of a party was, however, yet kept up, and, notwithstanding all the violent measures of this country, and the armies that were sent out for the purpose of supporting the friends of government, the Tories, as they were called, and punishing the Whigs, yet the Tories suffered more than the Whigs, their friends more than their enemies.

But, as if all this was not enough to exasperate, and to prove they had no resource left but in self-defence, we rejected, before the end of the session of 1775, the Petition from New-York,* drawn up in the most affectionate and respectful terms that could be, considering the state of the contest: this was the last effort of the moderate party, your own friends, who were told, on the news going back to America, "You see what dependence is to be put in Great

* See p. 41.

Britain: how will she treat us, when she has thus treated you?" Sir, a few weeks before the arrival of the reinforcements, the civil war began. Then followed the battle of Bunker's-Hill. This ought at least to have been a lesson to the ministry, that America was unanimous, and determined to put every thing at stake. Sir, there is one circumstance I omitted to mention in its place, and that is the Conciliatory Proposition of the noble lord (North)*; I need not go into this now; it has been often considered, and without saying any thing more about it at this time, I will only say, what every body must allow, that this House was left to judge of the *quantum*, which was one of the very principal objections urged by the Americans, that they did not know how far this claim of ours might extend; it was, in fact, not only asserting the right, but establishing it in practice. Now, Sir, I beg leave to stop here for a moment, and ask this question, does any man seriously think it better to give up America altogether, unless we can exercise the right of taxation in the uncontrouled and unlimited manner in which we claim it?

Mr. Fox then ran over the various operations of our army in America, after the arrival of the troops from their being cooped up in Boston, to their being obliged ultimately to leave it. He then described the conduct of America. What, said he, was the language of America at this time? They send a petition to this country, couched in the most respectful terms, disclaiming every idea of independence, which had been, in the course of the preceding session, objected to their conduct, and desiring no concession that would be in the least dishonourable to the mother country, but supplicating his majesty, that he would be pleased to point out some mode. How was this petition received, and what was the answer? All that was said, was, to this petition no answer will be given. But the ministry gave out, that the petition was all a farce, for the Americans wanted independence. If this had been really the case, which I in my conscience do not believe, what occasion was there for saying so? Why not have tried the experiment, and by this means have shewed to all the world the unreasonableness of your enemies and your own moderation? Suppose, for instance, you had been treating with Lewis XIV. who, every body allows, aimed at universal monarchy; suppose you had been treating with him about a petty town in Flanders, would you have told him, "Ay, it is impossible to treat with you, you aim at universal monarchy, you never mean to give up this town, for you will not

* See p. 36.

be contented till you get them all." But, Sir, least of all should this have been objected by those who say the government have a great party in America; that the friends to British government are still numerous and powerful there; for these arguments militate against each other. If independence was a popular pretension in America, why should America have unnecessarily disclaimed it? Yes, but it is said, it was meant to deceive America;—why, then, if it was necessary to deceive America, she did not mean independence, otherwise it would have been deceiving her into the belief of a thing which she did not approve. But, if America was averse to independence, was it not worth while to try pacific measures?

Instead, however, Sir, of any thing of this sort, a change of administration at this time took place, which plainly shewed there was no chance left but in war; and now, for the first time, Sir,—I allow it,—real, vigorous measures were adopted; the whole force of this country was to be exerted; every nerve was to be strained. The first event, however, of this campaign,—I mentioned it before,—was General Howe's being driven out of Boston; and now, Sir, only to shew the versatility of some people, and, as an instance how ready the men who caused all these calamities are to adapt themselves to the unfortunate consequences of their own conduct, as soon as the news came over of General Howe's evacuating Boston, they congratulated each other on the event, they were glad of it, it was a lucky step, though, by the bye, there is still the greatest reason to believe, it was matter of necessity, not of choice. Fifty-five thousand men had been voted; Sir William Howe's army was completely reinforced. Every body knows what passed. He makes himself master of Long-Island; he takes New York, &c. Here were two or three battles gained; here was a sort of victory, though not an absolute extinction of the enemy's army. What followed? All promises of taking the moment of victory for proposing terms of accommodation were forgot. But this was the moment in which the Americans declared themselves independent states. Did this look like a termination of the contest? If it did, there was a circumstance that passed in the latter end of the year 1776, from which you might, at last, have learnt that it was impossible to reduce them by mere force. I mean the affair at Trenton. The sudden manner in which this army was gathered together, the success that attended it from the nature of the country, plainly shewed it was impossible entirely to reduce them. But, to shew the deafness of administration to every proof of the true disposition of America, and to shew likewise the uniform conduct of gentlemen on this side of the House, a mo-

tion was made in the latter end of the year 1776 for a revision of the laws by which the Americans might think themselves aggrieved. To revise the Acts that had been passed was surely as gentle a word as could be made use of, and indeed was the expression made use of by the commissioners themselves in a proclamation they issued in America. I need not say, Sir, that this motion was, for various reasons, but without one solid argument, rejected.

Sir; as to the events of the last campaign, I shall touch them very slightly. It is sufficient to say, that no decisive stroke has been given. We have got possession of three towns instead of one, but of no more extent of country than is just within a small circuit round those towns. With regard to General Burgoyne's expedition, I will only say,—that it failed. The expedition itself is of such a dye, that it deserves a separate consideration. It should be reserved to itself.

Sir; after having passed resolutions concerning the various facts and events during the period I have been describing, the House will naturally form an opinion concerning their future conduct, and I shall then ask, whether any man can imagine it possible to go on with an offensive war? If it should appear, that our means are inadequate to the conquering them, and that the having gone on so far has shaken the credit of the nation, more than it was shaken at the end of a six years' war with France, then it will be for the House to consider what is to be done in the present moment. It seems to me that the inference will be, that force alone is not sufficient, and that we must call in negotiation to its aid. But, Sir, this is a subsequent consideration. Another question likewise with regard to the alliances of this country: if it shall appear that we are strong in alliances, then it is very true we may venture somewhat further than we might otherwise venture. This is a very proper thing to be considered.

Sir; I sat out with acquainting the House, that I meant today to begin with a very small part of the business; it is only to draw an inference from the papers on the table, that in the present situation of things it will be very imprudent to send any more troops out of the kingdom. The peace establishment of troops in Great Britain has been 17,000. Now, Sir, I do not mean by what I say to approve of that establishment. I think it too high; but such it has been of late years; 17,000 for Great Britain; 12,000 for Ireland; 3,500 for Gibraltar, and 2,300 for Minorca. These make altogether 34,800. This is the establishment in time of profound peace. But various reasons conspire to make us apprehensive of war; the conduct of France, the state of public credit, His Majesty's Speech at the opening of the session, are alone sufficient to

prove that there is the greatest reason to prepare for a foreign war. Now, Sir, if 34,000 men are necessary to be kept up in time of peace, I think no gentleman can be of opinion, that we should have less than that number at the present moment. Mr. Fox then shewed from the papers on the table, that the number of the troops now in Great Britain, including the officers, non-effective, &c. did not exceed 15,000; in Ireland 8,900; in Gibraltar and Minorca 5,000; so that there was now an actual deficiency in the peace-establishment of 6,000 men. I think, Sir, it appears from this that it would be madness to part with any more of our army. As to the new levies, I do not now consider whether the levying them without the approbation of parliament, be legal and constitutional; that will be to be considered another day; but I speak on a supposition of their being levied. And if they are, I should hope it is not intended that the safety of this country is to be left to them.

On the whole, Sir, it appears to me that if gentlemen are not blind, they will see that the war is impracticable, and that no good can come from force only; that the lives that have been lost, and the treasures that have been wasted, have been wasted to no purpose; that it is high time we should look to our own situation, and not leave ourselves defenceless upon an idea of strengthening the army in America, when, after all, it will be less strong than it was last year,—a year which produced nothing decisive, nor in the least degree tending to complete conquest.

Mr. Fox concluded with moving, "That an humble Address be presented to his majesty, that he will be graciously pleased to give orders, that no more of the Old Corps be sent out of the kingdom."

To the great surprize of every body without doors, who had seen so full a House drawn down to attend the result of an enquiry of so much expectation, no debate ensued, nor was the smallest reply made to Mr. Fox's Speech. In this singular situation the question was called for, and the Committee divided: For Mr. Fox's motion 165: Against it 259.

Mr. Fox's Motion on the State of the British Forces in America.

February 11.

THE House went into a Committee on the State of the Nation. Before the Speaker left the Chair, Lord North said, he should, on the 17th instant, propose to the House a Plan of Conciliation with America. Mr. Pulteney having taken the Chair,

Mr. Fox rose, and stated a number of facts relative to the British Army serving in America, which facts were founded on conclusions drawn from the information on the table. He observed, that there was such a number of effective men in America (6,864) in the year 1774; that by comparing the reinforcements sent out the next year, added to the forces then on the spot, with the returns at the conclusion of that year, it would give the total deficiency, which under its several heads amounted to the total loss; so with the years 1776 and 1777: thus, by adding to the number of men serving in America the first year, the reinforcements and recruits of each successive year, and comparing the amount of those several totals with the last returns, the difference between the latter and the former shewed exactly the loss of men slain in battle, or dead, or otherwise incapacitated for service, by wounds, captivity, and sickness.

This, he observed, was the first part of his plan, to ascertain the loss of lives, and loss of service, under their respective heads; the other part of it would be, to estimate the loss of treasure, which he computed, at the lowest calculation, to be full 25 millions spent, which, with 20,000 lives lost, that being the difference, he said, between the troops serving in America at the commencement of the war, and the whole of the embarkations, he appealed to the judgment of the committee, whether it was not full time,—(considering that we had gained nothing, or next to nothing, by this fatal contest hitherto, but a powerful, numerous, and well-disciplined enemy, instead of an undisciplined rabble, to contend with,)—to think of the critical and alarming situation of public affairs? Whether our resources of men and money were equal to the difficult and hazardous task of conquest; or if that should appear, on enquiry, to be totally impracticable, whether parliament should not, and that immediately, devise some means for putting an end to our public calamities, and endeavour to avert those imminent dangers with which we are threatened on every side? If ministers, while they hold out the plan of conciliation,

will at the same time have the candour to acquaint the House, how much treasure has been wasted, how many lives have been lost, how many disgraces have been brought on the nation, by this mad, improvident, and destructive war, he would most certainly join them;—that 25 millions of money have been already spent, or the faith of the nation has been pledged for the expenditure; and that 20,000 lives have been thrown away to no manner of purpose; but, if at all practicable, to make conciliation infinitely more difficult than if the sword had never been drawn, a shilling spent, nor a life lost.

He gave the most ample testimony to the bravery and good conduct of the generals; and contended, that they had miscarried, not for want of skill in their profession, nor from neglect of duty, but merely because they were employed in a service, in which it was impossible for them to succeed; for if ministers had shewn any trace of wisdom throughout their whole conduct, it was in their choice of the officers they sent out, though they now basely insinuated, that it was only in the choice of generals that they were deceived; and that it was to their fault alone, that all our miscarriages in the prosecution of the measures could be justly imputed.

He said, he had been informed, that it was intended to send out other generals, and on that ground that great expectations were formed from the next campaign: but, for his part, he expected, that whoever should succeed to the present gentlemen in command, would just meet with the fate of their predecessors; they would be one day charged with indolence, inactivity, and want of spirit; with a designed procrastination of the war, from motives of lucre and private interest; and the next, with Quixotism, knight-errantry, and exceeding the instructions under which they were to act. He turned again to the intended proposition of the noble lord in the blue ribbon, and assured his lordship, that if his plan was a fair, open one, founded in justice and good policy, and warranted by the principles of the constitution, he would venture to answer for his side of the House, that it would meet with their most hearty concurrence. He feared it would not answer this description; because he could hardly be persuaded, unless the idea of tyranny, cruelty, and meanness were inseparable, that the same men who had rejected the most humble petitions and dutiful remonstrances with haughtiness and contempt, could ever consent to hold out any plan which was meant to secure those rights which they had all along attempted to annihilate by the sword, thereby adding tyranny and cruelty to oppression and injustice. He then read his several Resolutions, which amounted to twelve in number; and which stated, that there was such a number of troops in America in 1774, so

many sent in 1775, total of that year, and so on with 1776 and 1777, which ought, on the whole, in the latter year, to have amounted to 48,000 effective men; that by the last returns, foreigners and British included, they did not amount to more than 28,000, consequently the loss was 20,000 men. Whence he drew this conclusion, that if with such a number of troops so little could be done, it was clear, that the carrying on the war, either to terrify the Americans into obedience, or to subdue them, was impracticable. His first Resolution moved was, "That it appears to this Committee, that in the year 1774, the whole of the land forces serving in North America did not amount to more than 6,864 effective men, officers included."

The motion was opposed by Lord Barrington the secretary at war, Lord North, and Lord Nugent, and supported by Mr. George Grenville, Mr. Burke, and Colonel Barré. Lord Nugent moved, "That the Chairman report progress; upon which the Committee divided: Yeas 263: Noes 149. Mr. Fox's motion was consequently lost.

Lord North's Propositions for Conciliation with America.

February 17.

THIS day Lord North submitted to the House a new plan of conciliation with the American colonies. In introducing this measure, he took occasion to state, that he had been uniformly disposed to peace. The coercive Acts appeared necessary when they were proposed, but finding them unproductive of the intended effect, he essayed conciliatory measures, before the sword was unsheathed. He then thought (nor was his opinion changed) those propositions capable of forming the happiest, most equitable, and most lasting bond of union between Great Britain and her colonies; but by a variety of discussions, a plan originally clear and simple, was made to appear so obscure as to go damned to America. Congress conceived, or took occasion to represent it as a scheme for sowing divisions, and introducing a worse species of taxation than had previously existed, and accordingly rejected it. He never expected to derive any considerable revenue from America; in his opinion they should contribute in a very low proportion to the expences of the state. Few taxes would prove worth the charge of collection; even the Stamp Act, the most judicious and most highly estimated, would not have produced a considera-

ble revenue: a confederacy against the use of stamps would have annihilated the produce, while it increased the confusions of the country. He found America already taxed, when he unfortunately came into administration. The Act, enabling the East India Company to send teas with the drawback of the whole duty, was a relief instead of an oppression; but the disaffected, and those engaged in contraband trade, endeavoured to represent it as a monopoly. He never intended taxation in the last Tea Act, nor in the conciliatory proposition, but as a medium of union and concord; his present proposition would therefore be found consistent with his former conduct. One of the bills he designed to move would quiet America on the subject of taxation, dispel all fears, real or pretended, that parliament would attempt to tax them again, and annul the right itself, so far as it regarded revenue. The Americans had desired a repeal of all the Acts passed since 1763: were this requisition granted in its full extent, several statutes, highly beneficial to themselves, granting bounties and premiums, or relaxing former grievous regulations, must be rescinded. The late Acts which originated in the quarrel should cease with it; and commissioners should be authorized to adjust, in a satisfactory manner, all other disputes. The powers granted to former commissioners had been considered more limited than in reality they were: he should take care now to be explicit, granting full authority to discuss and conclude every point, treating with the Congress as if it were a legal body, and would so far give it authenticity as if its acts and concessions would bind all America. They should be empowered to treat with provincial assemblies as at present constituted, and with individuals in their actual civil capacities, or military commands; with General Washington or any other officer: they might suspend hostilities; intermit the operation of laws; grant pardons, immunities, and rewards; restore to colonies their ancient constitutions; and nominate governors, council, judges, and magistrates, till the King's further pleasure should be known. A renunciation of independence would not be insisted on till the treaty had received final ratification by the King and parliament. The commissioners should be instructed to negotiate for a reasonable and moderate contribution towards the common defence of the empire, when re-united: but to obviate every pretence against terminating this unhappy difference, the contribution should not be insisted on as a *sine qua non* of the treaty. If such had always been his sentiments with regard to taxation and peace, why, it would be asked, had he not made the proposition at a more early period? His opinion had ever been that the moment of victory was the proper time for offering terms, and at the beginning of the session he had declared those sentiments; he then thought the victories obtained by Sir William Howe more decisive, and was unacquainted with General Burgoyne's misfortune. These terms were in substance the same he would offer in the height of victory; he saw no reason for protracting the war, the effusion of blood, and the immoderate expence, and therefore now offered the same propositions. The events of war had not corresponded with his expectations; but his concessions were from reason and propriety, not necessity. Eng-

land was in a condition to prosecute the war much longer; new armies could easily be raised, the navy was never in greater strength, and the revenue very little sunk. With these observations he submitted the whole plan, together with the propriety of his past and present conduct, to the judgment of the House *.—As soon as the minister had concluded,

Mr. Fox rose. He said, that he could not refuse his assent to the propositions made by the noble lord; that he was very glad to find that they were, in the main, so ample and satisfactory, and that he believed they would be supported by all those with whom he had the honour to act. That they did not materially differ from those which had been made by an honourable friend of his (Mr. Burke) about three years ago; that the very same arguments which had been used by the minority, and very nearly in the same words, were used by the noble lord upon this occasion. He was glad to find, that the noble lord had wholly relinquished the right of taxation, as this was a fundamental point; he was glad, also, that he had declared his intention of giving the commissioners power to restore the charter of Massachuset's Bay; for, giving the satisfaction which the noble lord proposed, it would be necessary for parliament to give the same security, with regard to charters, which it had given with regard to taxation; that the Americans were full as jealous of the rights of their assemblies, as of taxation; and their chief objection to the latter was its tendency to affect the former.

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* "A dull melancholy silence for some time succeeded to this speech. It had been heard with profound attention, but without a single mark of approbation to any part, from any description of men, or any particular man in the House. Astonishment, dejection, and fear, overclouded the whole assembly. Although the minister had declared, that the sentiments he expressed that day had been those which he always entertained, it is certain, that few or none had understood him in that manner; and he had been represented to the nation at large, as the person in it the most tenacious of those parliamentary rights which he now proposed to resign, and the most remote from the submissions which he now proposed to make. It was generally therefore concluded, that something more extraordinary and alarming had happened than yet appeared, which was of force to produce such an apparent change in measures, principles, and arguments. It was thought by many at that time, that if the Opposition had then pressed him, and joined with the war party which had hitherto supported the minister, but which was now disgusted and mortified in the highest degree, the bills would have been lost. But, in fact, they took such a hearty part with the minister, only endeavouring to make such alterations in, or additions to, the bills, as might increase their eligibility, or extend their effect, that no appearance of party remained; and some of his complaining friends vexatiously congratulated him on his new allies. These new allies, however, though they supported his measures, shewed no mercy to his conduct." Annual Register.

He wished that this concession had been made more early, and upon principles more respectful to parliament. To tell them, that if they were deceived, they had deceived themselves, was neither kind nor civil to an assembly, which, for so many years, had relied upon the noble lord with such unreserved confidence; that all public bodies, like the House of Commons, must give a large confidence to persons in office; and their only method of preventing the abuse of that confidence was to punish those who had misinformed them concerning the true state of their affairs, or conducted them with negligence, ignorance, or incapacity; that the noble lord's arguments upon this subject might be all collected into one point, his excuses all reduced into one apology,—his total ignorance.

The noble lord hoped and was disappointed. He expected a great deal, and found little to answer his expectations. He thought America would have submitted to his laws, and they resisted them. He thought they would have submitted to his armies, and they were beaten by inferior numbers. He made conciliatory propositions, and he thought they would succeed, but they were rejected. He appointed commissioners to make peace, and he thought they had powers, but he found they could not make peace, and nobody believed that they had any powers. That he had said many such things as he had thought fit in his conciliatory proposition; he thought it a proper mode of quieting the Americans upon the affair of taxation. If any gentleman would give himself the trouble of reading that proposition, he would find not one word of it correspondent to the representation make of it by its framer. That the short account of it was, that the noble lord in that proposition assured the colonies, that when parliament had taxed them as much as they thought proper, they would tax them no more. He would vote for the present proposition, because it was much more clear and satisfactory; for necessity had forced the noble lord to speak plain.

But if the concession should be found ample enough, and should be found to come too late, what punishment would be sufficient for those who adjourned parliament, in order to make a proposition of concession, and then had neglected to do it until France had concluded a treaty with the independent states of America? He said he could answer with certainty for the truth of his information; it was no light matter, and came from no contemptible authority; he therefore wished that the ministry would give the House satisfaction on this interesting point, Whether they knew any thing of this treaty, and whether they had not been informed previously to the making of their proposition, of a treaty which would make

that proposition as useless to the peace, as it was humiliating to the dignity of Great Britain.

At the close of the debate, Lord North moved, 1. "That leave be given to bring in a Bill to enable His Majesty to appoint Commissioners to treat, consult, and agree upon the means of quieting the disorders now subsisting in certain of the colonies, plantations, and provinces of North America. 2. That leave be given to bring in a Bill for declaring the intentions of the parliament of Great Britain, concerning the exercise of the right of imposing taxes within His Majesty's colonies, provinces, and plantations, in North America." Which were agreed to without a division.

Mr. George Grenville's Motion respecting a Treaty between France and the revolted Colonies in North America.

March 16.

Mr. George Grenville moved, "That an humble Address be presented to His Majesty, to desire that he will be graciously pleased to order that there be laid before this House, copies of all communications from His Majesty's ambassador at the court of France, or the French ambassador at this court, touching any treaty of alliance, confederacy, or commerce, entered into between the court of France, and the revolted colonies in North America." Mr. Burke warmly seconded the motion. The present situation of our affairs he declared to be to the last degree desperate. The stocks, the political pulse of the nation, were so low, that they plainly demonstrated the weakness of the state; they were already sunk as much as in times of foreign war; and afforded the most gloomy prospect. Sunk as the nation was, robbed of her treasures, injured in her honour, she had a right to take every step that could lead her to a discovery of the counsels, and of the persons who had given them, by which she had been reduced from the pinnacle of honour and power, to the lowest ebb of wretchedness and disgrace.

Mr. Fox took a retrospect of the various measures which had been adopted by the present administration, and pointed out the causes to which their failure ought to be attributed. He insisted that the ignorance of the ministry was the source of our misfortunes; and from their incapacity to conduct a war with the poor, pitiful provinces of America, as he affected to call them, he inferred, that the complicated business of a

foreign war with the most powerful princes in Christendom must of course so far transcend their abilities, that the nation must absolutely be undone if the administration of affairs was to continue in their hands. Melancholy as was the prospect that a war afforded us, it would have this good effect; that it would rouse the nation to a sense of the wrongs they had been made to suffer, by being made to feel at once all those calamities, for which the ministry had prepared them by degrees, by their destructive measures, which, though they did not precipitate the nation into a foreign war, had, by a slow process, inevitably brought it on. The House had been made to act a fool's part. Conciliatory bills had been passed, and commissioners appointed to treat with the Americans, even after they had been acknowledged an independent state by France. Ignorance of such a circumstance was unpardonable; and the contempt which it served to bring on the House called aloud for resentment. Ministers, he said, could never execute their duty to their country, nor counteract the schemes of her enemies, if they did not procure intelligence of the measures adopted for our annoyance. He asked the House, if a set of men ought to be any longer trusted with the reins of government, who received the first positive assurance of a treaty concluded by France and America, from the French ambassador? Their supineness, folly, and ignorance, in that one instance, sufficiently proved them to be unworthy of their employments. But to declare them only unworthy would not be doing sufficient justice to the people: the violators of whose rights, and the despoilers of whose property the parliament was bound to punish: they should likewise be made to account for the injuries done their country: the only means of determining the quantum of guilt, and where it particularly lay, could not be well ascertained without the papers in question: he therefore wished strongly to support the motion.

Lord North moved the previous question, giving as a reason, that the exposure of the papers demanded would be a most unpardonable and pernicious act of treachery to those, who, at the greatest risk, had communicated secret intelligence to government. Mr. Grenville offered to prevent an effect which he abhorred, by inserting the words, "or extracts," after copies, in the motion; but the minister insisted that no amendment could be received after the previous question had been moved. This conduct was, however, reprobated with so much indignation on the other side, and represented as an act of quibbling and chicane, so unworthy of, and unfitting for, that place, that the minister withdrew his motion, and the amendment was received. The previous question being then again moved, the House divided:

YEAS { *Tellers.* Mr. Grenville, Mr. Baker } 146.—NOES { *Tellers.* Mr. C. Townshend, Sir Grey Cooper } 231.

So it passed in the negative.

MR. FOX'S MOTION RELATIVE TO THE FAILURE OF THE EXPEDITION FROM CANADA.

March 19.

THE House went into a committee on the State of the Nation, in which the subject of the recent expedition from Canada was taken up by Mr. Fox. The papers which he had moved for, having been read,

Mr. Fox rose. He stated the plan of the expedition as wrong and impracticable; not being directed to any point, nor in any sense the right way. Though the minister of the American department (Lord George Germain) might say, and he understood did say, that he took the idea and the plan from General Burgoyne; yet he would venture to affirm the contrary. The plan was not General Burgoyne's; it differed from General Burgoyne's; and wherever it did so, it blundered. This expedition was not a plan of diversion in our favour, but a diversion against ourselves, by separating that force which ought to have been united to one point, that of dispersing the rebel army; instead of which, it left General Howe too weak, upon the plan the noble lord suggested to him; and sent General Burgoyne, with a still lesser army, to a place where the enemy were much stronger. He said this only for the sake of argument, to shew that the measure was originally wrong in the design; and added, that he should move something on this point. But the matter upon which he should make his present motion, was that part of the execution which belonged to the minister, not to the officers. The principal, and indeed sole design, of sending General Burgoyne from Canada, was that he might force his way to Albany, and make a junction with General Howe. This was a plan of co-operation, in the execution of which two parties were concerned, but orders had been given only to one party; the other party was left ignorant of the design. This appeared from the minister's letters to the commanders, and from the commanders' letters to each other. It was like intending two men to meet at one place, but giving orders

only to one to go there; and then blaming the execution, because the other, who did not know he was to go there, did not meet him; but who, on the contrary, had acquainted the person with whom the orders lay, that he was going another way. Upon these grounds, he insisted, that the whole disconcertion and failure of General Burgoyne's expedition was owing either to the ignorance or negligence of the secretary of state who had the direction of it; by which one of his majesty's armies had been cut off, and in consequence of it thirteen provinces had been lost, to the utter ruin of this country. He moved, that the committee should come to three resolutions, which were in substance, that the plan of the expedition from Canada had been ill concerted; that, from the measures adopted, it was impossible it should succeed; and that the instructions sent to General Howe to cooperate with General Burgoyne had not been such as were necessary to insure success to the latter. After which, he said, he should offer a fourth resolution of censure upon Lord George Germain.

This motion brought on the longest debate that had taken place during the session. Mr. Fox was thought to have transcended his customary style of exertion: and his friends by no means lost any ground in their support. On the other side, the ground of impropriety, in bringing in the business during the absence of those generals, who, until the contrary was established, must be considered as principal parties in the charge, was again taken. That there had been a fault, and a great one, somewhere, was universally allowed. A whole army had been lost. The nature and fortune of the war thereby totally changed. A new, and most dangerous foreign war was the immediate consequence; the loss of America, and even more, might possibly be the final. The causes that led to such a series of fatal consequences, they said, required undoubtedly the strictest investigation; and the fault, wherever it lay, might demand even more than censure. But the general acknowledgment of a fault or crime could by no means imply the minister to be the guilty person; nor could the enquiry be properly conducted, nor the charge fixed as justice directed, until all the parties were present, and all the evidence. The direct charges made against the American minister by the Opposition, however, necessarily called forth some direct defence; and no pains were omitted to shew, that the northern expedition was, in the first place, a wise and necessary measure; that it was capable of success, and the design evidently practicable; and that Lord George Germain had omitted nothing which could be done by an attentive minister to insure its success. They also endeavoured much to controvert a point insisted on by the Opposition, that General Burgoyne's orders were peremptory with respect to his advancing to Albany. They said, that however peremptory the letter of instructions might appear, a discretionary latitude of conduct, to

be regulated by circumstances and events, was always necessarily implied and understood. The question being at length put, the first resolution was rejected upon a division, by 164 to 44. The event of this division was resented by Mr. Fox, with an unusual degree of warmth, and an appearance of the highest indignation. He not only declared that he would not propose another motion, but, taking the resolution of censure out of his pocket, tore it in pieces, and immediately quitted the House. As soon as Mr. Fox was gone, the Solicitor General moved, "That it does not appear to this Committee, that the failure of the Expedition from Canada, arose from any neglect in the Secretary of State." The resolution was agreed to by the Committee, but was never reported to the House."

Mr. Powys's Motion for declaring the Americans Independent.

April 10.

In the Committee on the State of the Nation, Mr. Powys, after a speech, in the course of which he maintained, that from the exhausted state of the finances of the country, and the great expence into which the American war had plunged it, nothing could be more necessary to us than peace with America, moved, "That the powers of the Commissioners appointed to treat with America be enlarged; and that they be authorized to declare the Americans absolutely, and for ever independent."

Mr. Fox said, he had formed a decided opinion upon the present question, and if he should happen to differ in his sentiments from a venerable character, whom he honoured and revered, (Lord Chatham,) the committee would give him credit that no early prejudice, no infant pique, directed his judgment, or influenced his mind. He had considered this matter, abstracted from every other object, and his judgment was formed upon logical, as well as natural reasoning and deduction. The dependency of America he thought it impossible, from our situation, as well as from the nature of the object, for us to regain. She had joined with France in an amicable and commercial treaty. The latter had recognized her independency, and both were bound in gratitude to defend one another, against our resentment on the one hand, or our attempt to break it on the other. If by concession or coercion we attempted to recover the dependency of America, we should have the powers of France and America, and perhaps Spain, to encounter with. If we attempted

to punish France for recognizing the independency of America, America would join her, and we should have, in either case, two, if not three powers to combat with. It was probable, that the greatest part of Europe would join in the recognizance. Gratitude on the one hand, and obligation on the other, would unite them in one bond, and we should experience the joint efforts of all, if we attacked one. If, on the contrary, the committee agreed to the motion, and thereby recognized the independency of America, we should be no longer bound to punish the European powers, who had already, or who might do the same; and we should probably secure a larger share of the commerce of the Americans, by a perpetual alliance on a fœderal foundation, than on a nominal dependence.

He could not avoid lamenting the language at present used in the House of Commons; namely, that the Americans were not generally inclined to independence. Now, could any thing be more distant from probability? Had we not seen proof upon proof exhibited to the contrary? Had not the provinces, one and all, entered into the most solemn bond not to depart from, or rescind their vote of independency; and had not even thousands of them, in the province of Carolina, as well as in others, taken an oath before Heaven to maintain it? The Congress and the people were the same. Distinct opinions, party distractions, and disunited interests, had not been formed in America, with regard to the great point in which, by their unanimity, they had succeeded. He laughed to hear the contrary asserted; but he hoped sincerely that the honourable gentleman near him, (Governor Johnstone,) and the other commissioners, had more solid grounds to go upon, and more rational hopes of success. He viewed the dependency of America as a matter of very little moment to any part of this country, other than the minister and his dependants. He understood that the appointment of governors, and other officers by the crown, was an object of their contemplation, and one which they esteemed of great consequence. It was meant, he supposed, as an addition to the weight in the scale of government, and this circumstance deserved the most serious attention of the House. The three estates of parliament could no longer be the security and defence of our constitution, than while they remained in an equipoise with regard to one another. If one preponderated, the executive over the legislative, or the legislative over the executive, the superstructure must fall. It was a melancholy, but a certain truth, that the power of the executive had been gradually exerting itself to a predominancy for some years past, and its growth was already dangerous to our constitu-

tional existence. The further advantage that would be thrown into the scale, by the weight of America, would give maturity to its growth, and perpetual dominion to it over the legislative; because, by the exemption from taxation, no degree of weight whatever was added to the legislative state. Taxes were so far necessary to our constitution, seeing that they engaged the people narrowly to watch and resist the influence of the crown. Their lives and properties could only be in danger when the crown became despotic. A security against that danger destroyed their fears; and not being concerned in the advancement or depression of the crown, they did not regard its progress. Good God! then, could Britons with their eyes open, and, sensible of the danger arising from the predominancy of the executive power, wilfully throw so great an addition of strength into it, as the power of appointing the officers to the government of America must necessarily create? Had we not appointments, douceurs, sinecures, pensions, titles, baubles, and secret-service money enough already? Did not the creatures of government swarm in every department, and must we add to their number?

He could not see that American independency would so soon rise as the honourable gentleman imagined, to maritime pre-eminence. The Americans could have no inducement to hunt for territory abroad, when what they quietly possessed would be more than they could occupy and cultivate. They would find the advantages of conquest unequal to those of agriculture; and remembering that man had naturally a predilection for the enjoyment of landed property, they would find it impossible, in a country where land was to be had for nothing, to propagate a spirit of manufacture and commerce. Every American, more or less, would become the tiller and planter, and the country might, in some future and distant period, be the Arcadia, but it could never be the Britain of the world.

He reverted to the arguments of an honourable gentleman near him, (Mr. Pulteney,) in regard to the finances of this country. He never was more surprized than he was at hearing a man of sense introduce such a puerility. The internal opulence of the country might be introduced as a figure of shew, to delude the ignorant into an extravagant idea of our resources; but the people must know that it was a mere delusion. If we were reduced to such an emergency as to have reference to the fundamental opulence, so might our enemy; and comparing the one resource with the other, we must acknowledge that theirs, in that respect, was treble our own. Our natural resources, he knew, were superior to those

of our enemy, in proportion to the extent of country; but we ought to remember, that theirs were capable of more improvements without injuring the people than ours. Would ministers but abolish the extravagant method of collecting their revenues, the voluptuous manner of expending them, and the enormous extent of the royal expenditure, what a superiority, in point of revenue, might they not effect?

He condemned the Conciliatory Acts as totally inadequate to the object, and declared, that if they produced any good end, he should attribute it solely to the influence of the honourable and worthy gentleman (Governor Johnstone) who was last joined in the commission. He hoped the committee would consider seriously of the matter before them: there had been enough of treasure fruitlessly wasted; and that they might not waste more on an inadequate commission, he begged them to extend its powers, and thereby secure its success. He could not avoid adverting to the conduct of the ministry, in regard to the French "aggression." He knew not from whence the word came, but he supposed it meant "insult." Himself and others were termed pusillanimous, because they attempted to stem the torrent of rage, that rushed from the bosoms of the ministry on that occasion; — they were called pusillanimous, because they were calm; but could they not now, with double energy, send back the term on those men who had confessed that the nation was insulted; who had made the King and the parliament of England confess that they were insulted; and who, for a whole month, had pocketed the insult, without preparing to punish it, or taking a single step for the defence of the nation? He begged the committee to observe, that the ministry, conscious of their own inability, were obliged, when they wanted service to be performed, to call to their assistance the very men who had condemned their measures, and uniformly despised them. But if a peace was to be negociated, or a war to be undertaken, (meaning the appointment of Governor Johnstone in the one case, and Admiral Keppel and Lord Amherst in the other,) they were obliged to employ the men on his side of the House.

Mr. Burke supported the motion. Mr. Pulteney, Governor Johnstone, and Mr. Dundas, opposed it. Mr. T. Townshend thought the motion premature, and moved, that the chairman do leave the chair; which was agreed to without a division.

Mr. Hartley's Motion against the Prorogation of Parliament, and for putting a Stop to the American War.

May 28.

Mr. HARTLEY moved, "That an humble Address be presented to His Majesty, to intreat His Majesty, that he will be graciously pleased not to prorogue the parliament, but that he will suffer them to continue sitting for the purpose of assisting and forwarding the measures already taken for the restoration of Peace in America; and that they may be in readiness, in the present critical situation and prospect of public affairs, to provide for every important event at the earliest notice." In a warm speech which General Burgoyne made in support of the motion, he advanced matters and opinions which could not fail of being exceedingly grating to the ministers, and which were resented accordingly. Particularly, his describing them as totally insufficient and unable to support the weight of public affairs in the present critical and dangerous emergency. To the general knowledge of this incapability, he attributed the diffidence, despondency, and consternation, which were evident among a great part of the people; and a still more fatal symptom, he said, that torpid indifference to our impending fate, which prevailed among a yet greater number.

The drift of the general's speech was to shew the necessity of complying with the motion, in order, besides other great objects, that the presence of parliament might restore the confidence, and renew the spirit of the nation; and, he said, that if the King's ministers should take the lead in opposition to the motion, and use their influence for its rejection, he should hold them to be the opposers of national spirit, opposers of public virtue, and opposers of the most efficacious means to save their country. Mr. Rigby said, that the honourable general being a prisoner, was in fact dead to all civil as well as military purposes, and, as such, had no right to speak, much less to vote in that House. He then threw some degree of ridicule, in his state of it, upon the general's application or wish for a trial. The honourable gentleman, he said, knew, when he desired a trial, that he could not be tried; he was upon parole; he was, as a prisoner under that parole, not at liberty to do any act in his personal capacity. The Solicitor General, Mr. Wedderburn, took the same ground of argument, and made it an object of serious discussion. In a speech, fraught with general knowledge and ancient learning, he endeavoured to establish from the example of Regulus, in the Roman history, and other precedents, that the general (the convention of Saratoga being now broken) was merely in the state of a common prisoner of war; and that, consequently, he was not *sui juris*, but the immediate property of another power. From whence he insisted, that the general, under his present obligations, was totally in-

capable of exercising any civil office, incompetent to any civil function, and incapable of bearing arms in this country.

Mr. Fox confessed he saw the greatest reason in the world for adopting the measure of the Address, and not one against it. Remembering how fatal the last long recess had been, he could not conceive how any man, in the least interested in the welfare of his country, could think of trusting again to the management of the ministry. At the very instant, when the House were about to think of a conciliatory plan, it was adjourned for more than six weeks, and in that fatal time, what was the conduct of the ministry? Though they knew that they were about to yield up every thing they had before denied, and by the intimation of which, in due time, they might have prevented the effects that had ensued, yet they never made the least intimation, but gave time for France to conclude a treaty, by which every hope of bringing America back to dependency was lost for ever. They filled up that space in levying armies, without the knowledge or controul of parliament, and for that reason, truly, we were to trust them again, as fully and implicitly as we should do a majority of parliament. Ready on all occasions as that majority was to obey the will of the minister, inattentive and negligent as some, and dependent as most of them were, yet still he preferred their votes and measures to those of the administration. An honourable gentleman had said, that they were carrying on war at this very time, to the best of their understandings, against France and Spain. Looking back to their conduct, he found equal reason for being displeased with their understandings here too. What stroke had they struck; or what active enterprize had they executed? They had moved an address to the throne, and they had recalled their ambassador! This was the extent of what their understandings had produced. In more than two months they had been able to execute these mighty objects, and their understandings assuredly deserved credit, for the happiness of the contrivance, as well as for the accomplishment of these two things. It was said, by a learned gentleman, that his majesty had it in his power to convene parliament in fourteen days; but so he had after an adjournment; and it was better to trust to adjournment, in this case, which would certainly convene us, than to a prorogation, which might not do so. "Aye, but," said the learned gentleman, "by a prorogation we shall have a new session, and then we may repeal the Acts of the present." Then, said Mr. Fox, it may be fairly concluded, that we are to repeal the Acts of the present session. That learned gentleman is the key to the cabinet;

he knows the secrets of state, and he says we must, in the next session, probably repeal every thing we have done in the present; he knows that the propositions of peace will not be accepted; he is not sanguine enough, to flatter himself that they will; he knows that the plan is inadequate; the concessions, however humiliating, not sufficient; we have brought ourselves so low, that kneeling before them, with concession in our hands, cannot procure us the peace we pant for, and we must repeal them before we succeed. I agree with the learned gentleman, that the plan we have proposed is inadequate: but if in the present session we cannot repeal, we may vary; and as we do not mean to restrain the Americans in any degree, the variation that may be necessary will be in our power. — The situation of his honourable friend (General Burgoyne) was an incentive towards continuing the session, of the most powerful nature. The honourable general was unfortunate, — singularly unfortunate; and it was the business of the House to enquire into the causes of his misfortune, and charge them on the true author, whoever he might be. It was to his honourable friend a matter of consolation, though he knew him too well to suspect that he preferred private consolation to the good of his country; yet, he said, it might console him to think, that he was not the only unfortunate man who had served the present administration. It was the lot of every man who had served them to be unfortunate. Every officer in America was an instance of the fact. General Gage had not reaped any laurels in their service, nor had Admiral Graves any reason to rejoice at his success. Sir William Howe had not escaped the misfortunes that had overtaken their servants; though crowned with repeated conquests, he had lost by his success. Lord Howe's character could not be much hurt by their insinuations, rancorous as they had been; but he had gained no additional honour from his exploits in their service. The manner in which the other gallant officer, Sir Guy Carleton, had been treated, needed no comment; it was upon record, and would stand an example in future, for the instruction of all those who might be hazardous enough to attempt to serve their country, under the auspices of men who were obliged to cover their ignorance and inability, and screen themselves from ignominy and contempt, by throwing blame upon the men who were unwise enough to act as they were instructed. The concealment of intelligence delivered to them, under any form, was criminal to the highest degree, when the character of a soldier depended upon the disclosure. He knew not how to speak of their conduct and preserve his temper. He wondered how the people could hear of it, and withhold

their resentment. He could not avoid adverting to a circumstance, which he confessed was new to him. It was a subject of praise to a noble lord, whose ingenuity he seldom had cause to applaud; just, however, to merit in every instance, he could not be blind to it in this; where invention was so rare, it was politic to cherish the first appearance of it. A timely attention might promote its growth, as good husbandry and careful cultivation, made even a barren soil fruitful The noble lord in the blue ribbon had most ingeniously created a new species of oratory, and that of so divine and specific a nature, that it would serve every occasion, and refute every argument. When we attempt, said Mr. Fox, to charge to that noble lord's negligence or inability, the loss of America, and thereby the destruction of national grandeur, national interest, and national credit, he replies, in his newly-invented language, "Well, you may say this, and say that; but I do say again and again, I did not lose America." This reply is irrefutable. What can be urged against it? We must alter our accusation, and, instead of throwing it on the noble lord, condemn General Washington, as the only cause of our having lost America. His superior abilities had frustrated every effort; we did all that men could do, but he, like the arm of Heaven, overthrew our strength, and made us yield to his superiority. Arguing in like manner, we ought to say, it was not owing to the head or the heart of King James, that he lost the crown of Great Britain, but the wickedness of the times. He did all that man could do, but his enemies were the more powerful, and he was forced to submit. In the same manner, if the fleet that sailed six weeks ago from the port of Toulon, had attacked and taken the most valuable territory of the empire, destroyed our fleet, and made captive the army in America, we must not condemn the ministry as the cause of our misfortunes; they could not avoid it; they did all that men could do, but the winds of Heaven were against them, and the winds of Heaven were alone the destroyers we ought to condemn. It has been repeatedly urged by the noble lord, that it is not possible for administration to defend all our extended empire from the encroachments of the enemy. True: but is there any one part of the empire at this moment defended, except Portsmouth? Have the ministry put their own defensive plan into execution? Ridiculous and inadequate in our situation as a defensive plan is, have they even begun upon that? Nature has assisted them most materially in this task. The Gut of Gibraltar is a kind of general protection for our Mediterranean dominions; a fleet stationed there, prevents those of our enemies from sailing;—and yet, so blind and indifferent

have ministers been, that no fleet is stationed there for that purpose. We cannot, as the noble lord says, number ships with France and Spain. This superiority is multiplied by our acquiescence. It is not the greater number of ships that a state actually possesses, but the number employed in action that constitutes superiority. If France has twelve line of battle ships at sea, while we have forty-two in port, she is superior. Instead of defending, let us attack. One great stroke of policy must now be attempted, as one great, sudden, unexpected stroke can alone, in our present situation, save us: such a one as that which determined the fate of the last war, and such a one as might now be effected. Need I say that the capture of the Spanish flotilla would be an issue to the conflict. To effect such an object, the hands of government must be strengthened, great, prodigious supplies must be granted, the nerves of war must be strained to their extent, and, for that purpose, this House must and ought to continue to sit. Money will be wanted in the course of the summer, and it will be necessary for the House of Commons to find it somewhere. Deplorable as our situation is, it is nevertheless not desperate, for Great Britain cannot despair, provided her ministers are as able to plan as she is to execute.

The House divided on Mr. Hartley's motion:

	Tellers.			*Tellers.*	
YEAS	Mr. Fox, Mr. Turner	53.	NOES	Sir William Gordon, Mr. Robinson	105.

So it passed in the negative.

AMENDMENT TO THE ADDRESS ON THE KING'S SPEECH AT THE OPENING OF THE SESSION.

November 26.

THE King opened the session with a speech from the throne, replete with complaints of the unexampled and unprovoked hostility of the court of France. With regard to the events of the war, it was short and inexplicit; grounding the hopes of success on future exertions, on the state of preparation, and on the spirit of the people, more than on the actions of the campaign; which were alluded to with a coldness that might easily be construed into censure. Notice was, however, taken of the protection afforded to commerce, and of the large reprisals made upon the injurious aggressors. The professions of neutral powers were

represented as friendly; but their armaments suspicious: the failure of the conciliatory measures was regretted: the necessity of active exertions by sea and land, pointed out by the situation of affairs, was urged in general terms, without specifying any plan of operations: with regard to the American war, a total silence was observed. The Address of the House of Commons, with the usual professions of attachment and support, repeated, in nearly the same expressions, the sentiments contained in the speech. Mr. Thomas Townshend moved, to substitute in place of part of the address the following amendment: "To assure his majesty, that with the truest zeal for the honour of the crown, and the warmest affection for his majesty's person and family, we are ready to give the most ample support to such measures as may be thought necessary for the defence of these kingdoms, or for frustrating the designs of that restless power which has so often disturbed the peace of Europe: but that we think it one of our most important duties, in the present melancholy posture of affairs, to enquire by what fatal councils, or unhappy systems of policy, this country has been reduced from that splendid situation which, in the early part of his majesty's reign, made her the envy of all Europe, to such a dangerous state as that which has of late called forth our utmost exertions without any adequate benefit."

Mr. Fox rose and said:

I rise, sir, to second the amendment made by my right honourable friend, because I wish as much as he does to promote an enquiry into the misconduct and incapacity of his majesty's present ministers. I know that views of succeeding to some one of the offices filled by them, will be assigned as the motives of my conduct in opposing them, but we are now in a situation which obliges me to neglect all such considerations. I think myself so loudly called upon by my duty to my country, that I will freely expose my character to public animadversion, while I pursue that line which my duty marks out. Nobody is more sensible than I am of the necessity of unanimity at this juncture, and I wish I had the opportunity afforded me of supporting the ministry with justice to the country: but that, Sir, can never be the case with the present. I know them too well to do so, and shall feel it my duty to give them every opposition in my power. I know that doing so will be called clogging the wheels of government at a time when they ought to be assisted by every man; but, Sir, they have reduced us to that paradoxical situation, that I must choose one of two evils, for they have not left us the power of choosing any good: it is a paradox in fact, and I will take that part which appears to me to be, though bad, the best; I must, consequently, use all my exertions to remove the present ministry, by using every means in my power, to clog them in this House, to clog them out

of this House, and to clog every thing they engage in while they continue in office; and I will do so, because I consider this to be less ruinous than to submit any longer to their blundering system of politics.

What, Sir, is our situation on entering into the present war with France, compared with what it was at the beginning of the last? England was then at the height of her happiness, and I may add of her riches and commerce; all her resources were fresh and untouched, and in the full vigour of strength; but at the beginning of this we have been engaged in a four years expensive, ruinous, fruitless war; and now that, by a complication of blunders, ministers have brought us to this point, they impudently call upon us for unanimity, and desire we should continue them in office, (for that is the object of the address) to blunder in a second war as they have done throughout the first.

His majesty, in his speech, tells us, that our efforts have not been attended with all the success which the justice of our cause and the vigour of our exertions seemed to promise. The speech is allowed on all hands to be the speech of the minister; it is parliamentary so to consider it; and I will tell the noble lord that this assertion is not founded in fact, — that the speech is false: that you have had more success than you deserved, and that you ought to be happy at the issue of your exertions, and contented that things are no worse; you have had every success that could be expected from the measures of the noble lord, and more, — for you have escaped. Your fleet was sent out under that brave and able commander Admiral Keppel, twenty sail only to meet thirty ships of the line, that fleet on which your existence depended, and which alone stood between you and an invasion; the noble lord gave every chance of its being destroyed by inequality of numbers, and your navy at one blow totally ruined: it escaped; that could never have been expected. M. D'Estaing left Toulon and went into the Mediterranean; when his destination was no longer doubtful, no fleet was sent after him to where he might have been effectually stopped: he was suffered to go out again, and to proceed with the treaty and the French ambassador on board, which the noble lord well knew; he had an uncommonly bad passage across the Atlantic, and thereby you escaped in America; an event that could not have been expected. Admiral Byron was sent out to America at such a time that it was barely possible he should arrive in time to succour that brave and excellent commander, the noble lord whom I am happy to see now in his place: by his conduct he was able to preserve the fleet under his command, such as it was, and it escaped; — that too could

not have been expected. I say, therefore, that you have had better issue in every quarter than could possibly have been hoped for, and that consequently the speech not only asserts a falsehood, but throws an unjust, an illiberal censure upon the commanders employed in the service of the crown, which ought alone to fall upon the ministry.

What, Sir, does the speech next insinuate? That the commissioners sent out to America have been equally censurable in not executing the "conciliatory measures planned by the wisdom and temper of parliament." What were those plans of parliament? for I never heard of them before. That the commissioners should be sent out in the dark as to every thing intended—was that the plan of parliament? That General Clinton should leave Philadelphia without giving the commissioners two hours warning, and that distrust should be saddled on them the moment of their arrival—was that the plan of parliament? That they should offer terms of reconciliation equally degrading to this country and unlikely to be listened to by congress—was that the plan of parliament? I never heard of these plans before, and I now disclaim all share in them. Parliament formed no plans, but the ministry did, and we now see what they were; the speech is a libel upon parliament when it attributes to us such pitiful plans; the speech is slanderous and libellous in calling them plans of parliament.

Sir, of all the commanders employed by the present ministry, of all the officers who have served under them, let me ask whether there is one who has not quarrelled with, and left them in disgust? In what single instance have the ministry succeeded? And surely no ministry was ever uniformly unsuccessful that did not plan unwisely? But there is a spirit of discord among them that frustrates every thing; the moment any person is appointed to a command, from that moment the ministry set themselves against him, from that moment he is counteracted, and at last forced to throw it up; happy if he can retire from their service before his reputation is lost in those expeditions which they first absurdly plan in the teeth of every difficulty, and afterwards will not suffer to be executed. There is a spirit of discord in the constitution of the present ministry which must ever have the same effect, and for ever prevent any thing succeeding under their hands; that spirit of discord in the administrations of this country has been the characteristic of the present reign, but it never flourished in greater perfection than at present; the ministry of to-day have exceeded all that went before them in that respect: that spirit has pervaded every branch of the service of the country, and, weak and disunited among themselves, disjointed and torn asunder, they laugh at opposition, and call upon us for una-

nimity. His late majesty was not one of those princes whom history dignifies with the title of hero; yet this country never was at a higher pitch of glory than during the latter part of his reign; because it was governed by a ministry so formed as to have in its constitution the principles of success; a ministry who knew the interests of their country, who were unanimous in the cabinet, and supported by the confidence of the people. What a melancholy contrast does the situation of the empire under that ministry form with the present! How will it appear under the pen of some future historian, whose subject shall be, not the glory, but the fall of the British empire! Have the ministers no regard to the fame of a master who has sacrificed every thing to their emolument or ambition? Will they entail infamy upon his name, after having robbed him of one half of his people? Instead of being celebrated for those virtues and abilities which have extricated states from dangerous convulsions, how will it sear the eye-balls of the prince to see the decline of his empire dated from his accession, and its fall completed within his single reign! His private virtues will in the lapse of time be forgotten, the character of the man will be lost in the character of the monarch, and he will be handed down to the latest posterity as the loser of his empire.

His majesty, in the speech, takes a great deal of pains to shew that there is good cause for arming against France; his majesty might have been spared that trouble; there is cause, and cause enough, to go to war with France; there was cause long enough ago; and that correspondence with America, which the speech calls "clandestine," has been known for years to every one of his subjects: when was it the ministry, in their penetration, found out this clandestine correspondence? But now that they acknowledge it is necessary to go to war with France, what power have we to assist us? I see none mentioned, I hear of no alliance: No man has a higher opinion of the spirit or resources of this nation than I have; but you cannot enter into a new war alone; this nation is not able to fight the whole world at once, and yet you hear not a word of any ally or of any support. This one circumstance, if there were no other, is such a damning proof of the incapacity of the present ministry, that I never will give my vote for an Address which pledges this House for the support of measures which they are to advise and direct.

Look at your situation now and what it was this time last year. What did the ministers then say, and what have they since done? They told you in the month of November that there were 35 sail of the line then ready, and that seven more would be fit for sea in the month of December. Now, this

account must have been false; for in March you had only twelve sent to America with Admiral Byron, and Mr. Keppel had only twenty; that makes 32 only—ten short of the number they themselves stated to you, so that the account given of them must have been false; or if they will say that it was not false, and that the other ten went to different stations, which I do not believe, then was the admiralty sitting idle from November to March, without putting one more ship in forwardness, for more than three months, during which time France was employed in fitting out fleets in all quarters such as she never had before. They stated your fleet then to be infinitely superior to that of France, or of Spain; superior to them both together, but infinitely superior to either of them separately; that you were infinitely superior to them on every station: and yet, notwithstanding all this superiority at home and abroad, Mr. Keppel was sent out with only 20 sail to meet 30 ships of the enemy, and every possible chance given them of being destroyed. Notwithstanding our superiority and forwardness, Mr. Byron was not sent after M. D'Estaing (who went out on the 13th of April,) until the 5th of May: and notwithstanding our superiority in every quarter, the noble lord who commanded in America was left without reinforcement, without even notice of the motions of the French, to fall a prey, if fortune and his own conduct had not prevented it, to the fleet of France. But the whole of their conduct is well known to the world: need I mention the sending of a fleet of transports into the Delaware after Philadelphia had been evacuated, a fleet upon which the existence of the army depended, and which nothing but the most extraordinary accident could have saved: need I mention the abandoning Philadelphia, the taking and keeping of which had cost so much;—but, indeed, I will give some degree of merit to that, as far as it was undoing what had been done, those are the only measures in which the ministry every had my approbation:—yet, if it was to be done, Sir, why did not the commissioners know it? why were they sent out in ignorance, and exposed as wanting the confidence of their employers? On the moment of their appearance they were landed among the people with whom they were to enter into a negotiation of mutual faith, with the seal of suspicion fixed upon their commission. Here again broke out the spirit of the administration, that spirit of discord which we never lose sight of. What opinion after this must America have of the commissioners? How were they to venture to treat with them? There was only one of the commissioners who could have had the ear of the people in America; he alone of the commissioners had been their friend in Great Britain; he was acquainted with

the temper of the province of Pennsylvania; he built his hopes in going out entirely upon the temper of that province, and the moment he was landed you left it; you carried him away with you, and left those who were ill-judged enough to be your friends to fall an undefended sacrifice for their attachment: there again, the spirit of distrust and discord appeared; no steps were suffered to be taken towards a reconciliation; no plan was formed, no hopes conceived on any side, except the hopes, by amusing the House, of getting over the session here at home.

How all the schemes of the ministry have been formed, judge from their issue; but consider for a minute how critically ill-timed has been every attempt. Terms of reconciliation were offered—when? at a time when you had been baffled, at a time when you were subdued, at a time when they had ordered your army into such a situation that it was obliged to capitulate: was that a moment to be chosen to offer terms? But look back to what the noble lord has told you himself; "he always intended a reconciliation, he always looked after a peace, and kept it in view." Did he, then, engage you in a civil war with your brethren in America till he should be tired of an active scene of administration? Where was the use of entering into a war for a peace which you had offered to you without it? But he will tell you, No, it was to find the best time to make your peace, to find the best moment to propose your terms: he looked for that moment, he was on the watch for such a moment, and you see the glorious golden opportunity he fixed upon for the deliberate execution of a concerted plan. Good God, Sir, are these hands into which you will trust the fate of your empire? Who can listen to such facts without indignation and contempt? And what man will join in an address to keep ministers in office who are capable of such mismanagement?

You have now two wars before you, of which you must choose one, for both you cannot support. The war against America has been hitherto carried on against her alone, unassisted by any ally; notwithstanding she stood alone, you have been obliged uniformly to increase your exertions, and to push your efforts to the extent of your power, without being able to bring it to any favourable issue; you have exerted all your strength hitherto without effect, and you cannot now divide a force found already inadequate to its object: my opinion is for withdrawing your forces from America entirely, for a defensive war you never can think of; a defensive war would ruin this nation at any time and in any circumstances; an offensive war is pointed out as proper for this country; our situation points it out, and the spirit of the nation impels us to

attack rather than defence; attack France, then, for she is your object: the nature of the war with her is quite different; the war against America is against your own countrymen; that against France is against your inveterate enemy and rival: every blow you strike in America is against yourselves, even though you should be able, which you never will be, to force them to submit; every stroke against France is of advantage to you; the more you lower her scale, the more your own rises, and the more the Americans will be detached from her as useless to them: even your victories over America are favourable to France, from what they must cost you in men and money; your victories over France will be felt by her ally; America must be conquered in France; France never can be conquered in America.

The war of the Americans is a war of passion; it is of such a nature as to be supported by the most powerful virtues, love of liberty and of country, and at the same time by those passions in the human heart which give courage, strength, and perseverance to man; the spirit of revenge for the injuries you have done them, of retaliation for the hardships inflicted on them, and of opposition to the unjust powers you would have exercised over them; every thing combines to animate them to this war, and such a war is without end; for whatever obstinacy enthusiasm ever inspired man with, you will now have to contend with in America: no matter what gives birth to that enthusiasm, whether the name of religion or of liberty, the effects are the same; it inspires a spirit that is unconquerable, and solicitous to undergo difficulties and dangers; and as long as there is a man in America, so long will you have him against you in the field.

The war of France is of another sort; the war of France is a war of interest; it was interest that first induced her to engage in it, and it is by that same interest that she will measure its continuance; turn your face at once against her, attack her wherever she is exposed, crush her commerce wherever you can, make her feel heavy and immediate distress throughout the nation, and the people will soon cry out to their government. Whilst the advantages she promises herself are remote and uncertain, inflict present evils and distresses upon her subjects; the people will become discontented and clamorous, she will find the having entered into this business a bad bargain, and you will force her to desert an ally that brings so much trouble and distress, and the advantages of whose alliance may never take effect.

What, Sir, is become of the ancient spirit of this nation? Where is that national spirit that ever did honour to this

country? Have the present ministers exhausted that, too, with almost the last shilling of your money? Are they not ashamed of the temporizing conduct they have used towards France? Her correspondence with America has been "clandestine;" compare that with their conduct towards Holland some time ago:—but it is the characteristic of little minds to exact in little things, while they shrink from their rights in great ones:—the conduct of France is called clandestine; look back but a year ago to the letter of one of your secretaries of state to Holland, "it is with surprize and indignation" your conduct is seen—in something done by a petty governor of an island—while they affect to call the measures of France clandestine; this is the way the ministers support the character of the nation, and the national honour and glory! But look, again, how that same Holland is spoken to to-day; even in your correspondence with her your littleness appears

"pauper et exul uterque,
"Projecit ampullas, et sesquipedalia verba."

From this you may judge of your situation; from this you may know what a state you are reduced to. How will the French party in Holland exult over you, and grow strong! She will never continue your ally while you meanly crouch to France, and dare not stir in your own defence; nor is it extraordinary that she should not, while the present ministers remain in place. No power in Europe is so blind; none stupid enough to ally itself with weakness, to become partner in bankruptcy, to unite with obstinacy, absurdity, and imbecility. For these reasons, Sir, I am against the Address upon your table, and most heartily concur in the Amendment of my right honourable friend.

After a long and vehement debate, the House at two in the morning divided on the Amendment:

	Tellers.			*Tellers.*	
YEAS	Mr. T. Townshend Mr. Fox	107.	NOES	Mr. Rice Sir J. Goodricke	226.

So it passed in the negative: after which the Address was agreed to.

Contractors' Bill.

February 12. 1779.

ON the 12th of February, Sir Philip Jennings Clerke obtained leave to bring in a Bill "for restraining any person, being a member of the House of Commons, from being concerned himself, or any person in trust for him, in any contract made by the commissioners of his majesty's treasury, the commissioners of the navy, the board of ordnance, or by any other person or persons for the public service, unless the said contract shall be made at a public bidding." The bill was shortly after brought in, and read a first and second time. On the 11th of March it was moved to commit the bill; a debate ensued, in the course of which,

Mr. Fox rose chiefly to observe on a remark that had been made, that the bill was a personal attack on those who now held contracts. For his part, he did not see it in that light; but if the gentlemen in that situation present considered it as such, they should have retired, as Lord George Germain had done on a former question respecting himself. He maintained, that if the newly created office was not within the spirit of the Act of Queen Anne, the contractors were; for persons holding great emoluments from government were within the clause. The parliamentary effect of contracting was two-fold, and both the action and the re-action tended to destroy the independence of that House. He then stated the mutual obligation between the contractor and the minister. The minister, in the first place, said to the contractor, "I give you a good contract, on condition that you give me a good vote;" and in the second place, the contractor re-acts upon the minister, "I have given you a good vote, give me a good contract; I voted for you the other night, in direct contradiction to my senses; I voted, that we had 42 ships ready for sea, when we had but six; and, I voted that the French fleet did not consist of 32 ships, when Admiral Keppel had but 20; though both the facts lay upon the table. I have voted all this to do you service, and I expect you will not hesitate to give me a good thing; therefore, you must not quarrel with me for twopence a gallon on rum, or a farthing on a loaf of bread." And says the minister to another, "You know I gave you an advantageous contract, worth to you 20,000*l.*, therefore, I must have a sure vote in you." Here was the worst of all ties, a double influence, a reciprocity, which this bill was intended to remedy. But perhaps the insignificant advantage of 75 per cent. was nothing in the esti-

mation of a huddling treasury board, who had currency and sterling always at their elbow!

The question being put, that the speaker do now leave the chair; the House divided:

	Tellers.			*Tellers.*	
YEAS	Mr. T. Townshend Mr. Grenville	124.	NOES	Sir John Irwin Mr. Robinson	165.

So it passed in the negative. Lord North then moved, "That this House will, upon this day four months, resolve itself into a committee upon the said bill:" which was agreed to.

MR. FOX'S MOTION OF CENSURE ON THE CONDUCT OF THE ADMIRALTY, IN SENDING OUT ADMIRAL KEPPEL WITH TOO SMALL A FORCE.

March 3.

THE order of the day being read,

Mr. Fox rose:—He began with remarking, that the orders of the House had been disobeyed; that the papers moved for some days ago, being copies of those found aboard the Pallas and Licorne French frigates, had in part been withheld; and such of them as had not, were not produced till since the House met, by which means the members were prevented from knowing any thing of their contents. The papers alluded to, had been transmitted by his honourable relation, (Admiral Keppel) to the admiralty-board; and though moved for on the 1st instant, and though they could be copied in a few minutes, they were withheld. Such a conduct would fully justify him, in postponing his motion, that gentlemen might have time to peruse the papers; but as he meant to state them as part of his speech, it would answer the end he proposed, which was to shew the comparative strength of the respective squadrons, at the time the honourable admiral quitted the channel. There was still something which had a worse appearance than the mere delay; and that was the omitting entirely the letter from the admiral, which accompanied the enclosures.

He then proceeded, and, in a prefatory discourse, after stating the seeming advantages which governments merely monarchical had over those limited or mixed, made the following observations. The general opinion which prevailed was, that

in governments merely arbitrary, or where the direction of the power, force, and resources of the commonwealth were vested in a single person, or in a few, all the functions of government were performed with greater facility and dispatch, particularly in times of war. Secresy, which was the life of counsel, was secured; dispatch and vigour were only bounded by the abilities of the state. The blow was struck, or the necessary precautions were taken, as it were, before the cause was known; and the people acquiesced in the power and wisdom of their rulers. On the other hand, in governments where the political machine consisted of different movements, where its parts were more complex, and the motion of the whole depended upon a combination of various movements, its motions were slower; they were regular, but less vigorous; they were liable to be defeated, because their stated progress was made public, before the proposed effect could take place.

This was a speculative proposition, that no man could deny. Indeed, on the first hearing, it commanded assent. It was an abstract proposition, equally clear, that those advantages arising in arbitrary governments were balanced by others enjoyed in free governments. The latter were better calculated for times of peace. Men were more effectually protected in their persons and properties; they gave encouragement to the exertions of private individuals; they called forth talents out of obscurity, into the service of the state; they were favourable to mercantile adventure, to the extension of trade and commerce; they inspired a love of country, and a spirit of honest independency; in short, free governments, while they put every man upon a level, and rendered him independent of every thing but the law, combined every member of the society in one common interest, and created a personal, as well as public pride, which, when properly directed and judiciously restrained, was the strongest excitement to great and glorious actions.

Such were on one hand, the advantages that in theory were supposed to be annexed to governments, where the whole power of the community was vested in, and exercised by, a single person; and such on the other, were the distinguishing characteristics of governments constituted upon the broad basis of public freedom. But, although in theory, each proposition seemed equally evident, experience held a different language. The truth was, that the arts of peace had not, at all times, been more successfully cultivated in states republican and free, nor yet those of war, in countries purely arbitrary and despotic. No nations had been more successful in war than those in which the body of the people had a share in the public counsels; none had oftener failed, than those who excluded

them entirely from interfering in the administration of public affairs.

The ancient republics of Greece and Rome exhibited the strongest proofs of the former. This country would remain a monument to the end of time, of the fortunate and almost irresistible exertions of a mixed government. Holland and Switzerland further confirmed the truth of this proposition, that no form of government is so well calculated for the happiness of its subjects, for internal prosperity, and external strength, as that in which the power is delegated by the people, and exercised by the executive power under their controul.

The reason which struck him was this: the legislative and executive powers of the state, being separate and distinct, the crown and its ministers are conditionally vested with as much power as is necessary for the discharge of the trust committed to their care. The executive power may make peace and war; may enter into alliances; may incur expences; may, in short, adopt every measure, which the terms of such a trust can be supposed to imply, in as full and ample a manner as they think proper; followed only with this single condition, that they are responsible to parliament for their conduct. If they act negligently, corruptly, or traitorously, they do it at their peril—at the hazard of their lives, honours, and fortunes; whereas, in arbitrary governments, where men are subject to the same failings and vices, being not subject to a like controul, or to be called to any account for their conduct, their conduct being directed by the only person in whose power it is to disgrace or punish them, so long as they preserve the confidence of the sovereign they have nothing to fear, or to deter them from giving the most pernicious counsels their ambition or personal interests may prompt them to. They have no accounts or after-reckonings to settle with the public, whom they have oppressed or betrayed; if they have been able to flatter a weak prince into a favourable opinion of their services, or to persuade a wicked one, that their incapacity was the effect of a zeal for his person, and an implicit obedience to his commands, they are sure to be honoured and caressed at court, while, perhaps, they are execrated and detested throughout the nation.

How far the doctrine of a free government, retaining a dernier controul over the executive power, was applicable to the constitution of this country, was a subject worthy of the particular attention of the House, because it was a matter most intimately connected with the subject of debate of the present day. The controul he alluded to, was the inquisitorial power vested in that House; a controul, which he pre-

sumed no gentleman present would deny had been so beneficially and successfully exercised upon many former occasions. It amounted fairly to this: we have confided in administration, for the effecting such and such purposes, which can be better brought about by the few than the many; the trust is conditional; we, who have delegated the power, reserve a right to withdraw our confidence, when we discover that it has been improperly bestowed or abused; a want of ability or integrity, equally disqualifies the persons intrusted, and subjects them to punishment or dismissal, according to the particular circumstances of the case. He said, parliament might forbear the exercise of this right of punishment and enquiry, but they could not divest themselves of it, it being of the very essence of the constitution: they had a right to exercise it in two ways; the one by way of prevention, the other judicially. It was the duty of parliament to remove, upon good grounds, in order to put a stop to further evils. Wicked and weak counsellors were proper objects of removal, in the first instance; of condign punishment upon a constitutional investigation, and legal proceedings, in the second. Parliament stood between the people and the executive power; and it was only through that medium the people could constitutionally seek, or legally obtain, redress.

He was free to acknowledge, that the motion of the present day was founded strictly in the principles he had now laid down; it looked immediately to removal as the first step to enquiry, and consequent punishment. It might be said, and he expected to hear it urged with all imaginable confidence and plausibility, "What! criminate without cause, and punish without proof! Would you condemn a person absent, and unheard?" The proper answer to these questions would depend upon the sense of the House. It would rest solely with the House to judge whether the facts he should state offered good ground of crimination. If they did, it would afterwards rest with the House, whether the proofs were sufficient to support a public accusation, or parliamentary impeachment. It would rest with those whom the constitution had appointed to decide in the last instance, to declare whether the party or persons accused were guilty; and to direct the nature and extent of the punishment.

Ministers had hitherto evaded every thing which could possibly lead to an inquiry into their conduct, by refusing every document necessary for their acquittal or conviction; every thing which might lead to proofs of their guilt or innocence. The papers which he had moved for some days since, relative to any information they might have received concerning the equipment of the Brest squadron, afforded a recent proof of

the truth of this assertion. The fate of that motion was, that it received a negative; and he presumed that many gentlemen who voted in the majority on that occasion, voted merely on the reason assigned by the noble lord in the blue ribbon: "that the disclosing secrets of state, which must be the case if the papers then moved for were granted, would be dangerous, and might prove of the worst consequence." This plausible objection would be removed. The information necessary to support the motion he meant to make, would be grounded on the evidence on the table, which contained no secrets of state; secondly, the answers he expected to receive to the questions he proposed to put to his honourable relation near him, would supply, he trusted, what was deficient in the papers; and, thirdly, nothing would or could come out but what was known to all Europe, and consequently to every gentleman present, who had turned his thoughts to the subject.

He then proceeded to state his facts, and point to his conclusions. His facts were, that although administration, or he would speak out, he meant the Earl of Sandwich, the first lord of the admiralty, had, in the month of November, 1777, not by a casual expression, which dropped from him in debate, but repeatedly in answer to doubts started and assertions to the contrary, made by several persons in a certain respectable assembly, solemnly affirmed, and pledged himself in his official capacity, that there were then 35 ships of the line ready for sea, and fit for actual service, and 7 more in great forwardness, which would be ready for sea in a fortnight; notwithstanding which, early in the month of March following, when the honourable admiral, by the desire of his sovereign, went to Portsmouth to examine the state and condition of the ships, there were not more than 6 ships of the line in a state fit to meet an enemy. That after that period great diligence was used; yet, in the month of June, the force actually ready for sea was little superior, if at all, to what it had been stated in the preceding November. That early in the month of June, Admiral Keppel was sent to cruize off the coast of France with 20 ships of the line only, though by the papers on the table, taken aboard the Pallas' and Licorne, it appeared there were then 27 ships of the line lying in Brest water, and 5 more in great forwardness; so much so, that the whole 32 were at sea early in the month of July; which force was accompanied by a much greater proportion of frigates than the British squadron, the number being 15, including those which were cruizing off Brest harbour. He then corroborated the facts stated in this narrative, by reading such parts of Admiral's Keppel's defence upon his

trial as directly applied to, or served to confirm them. He also read the papers taken aboard the Pallas and Licorne, containing an order for providing anchorage in Brest water for 27 sail of the line, stating their rates, the flags to be borne aboard them, and that anchorage would be likewise wanted for five more, not then ready. The line of battle consisted of one of 113, one of 106, eight of 84 and 80, 20 of 74 and 64, one of 56, and one of 50 guns.

The conclusion which this state of facts supported was obvious to the most moderate capacity, and must equally strike the meanest as the most enlightened understanding, which was, that when Admiral Keppel sailed from Plymouth on the 9th of June, with 20 ships, with orders to cruize off Ushant for so many days, the admiralty board must have known that there were then 30 ready to proceed to sea in Brest water, or they were ignorant of the fact. If the former, it was an act of the highest criminality, to risk the fate of this country on so great a disparity of force; nay, allowing that the French had but 27 ships ready for sea, the admiralty board were no less blameable. Had an engagement happened, which must inevitably have been the case had not Admiral Keppel returned into port, the consequences would probably have proved fatal to the naval power of this country. If the western squadron had been defeated, it would have probably gone to the exterminating the seeds of a navy of this country; our trade would have been ruined, our coasts would have been insulted, and there would have been nothing to prevent M. D'Orvilliers from burning and destroying our two great naval arsenals, Portsmouth and Plymouth. On the other hand, presuming that the first lord of the admiralty was ignorant of the real naval force of France in the Bay, would not the consequences to the nation have been the same? And was not his conduct equally criminal? Negligence in persons in high trust, to whom the safety and protection of the state are committed, was not like negligence on ordinary occasions; negligence in such men amounted to criminality; and for persons in high and responsible situations to plead ignorance, in justification of their misconduct and neglect, was, in fact, acknowledging themselves guilty. But his present motion not being immediately directed to punishment, but removal, it was enough for him to maintain and prove, that the fate of this nation was committed to an *unequal* contest, and that those who had wilfully or *undesignedly* led the nation into so hazardous a situation, ought instantly to be removed, as unworthy of, or unequal to the trust committed to their charge.

It might be said, is not removal a kind of punishment?

In some instances it certainly was not. Here it was meant as some degree of punishment, or rather leading to it. The removal was incidental, not directly personal, because the object was the preservation of the state; the measure of removal was the measure adopted to the attainment of that object. He said, the journals of parliament contained several precedents of motions of removal, not proceeded with upon evidence amounting to criminal conviction. Such were the cases of the Duke of Lauderdale and Lord Danby, in the reign of Charles II.; of Lords Orford, Somers, and Halifax, in that of King William; of the Bishop of Worcester, in the Queen's reign; of Lord Oxford in the reign of George the First; and of several others, whose names he did not immediately recollect*. The propriety of the proceeding was manifest; for if the mischief was great and the evil alarming, and no other timely remedy could be applied, removal was the only step that could suspend, or put a period to the evil. In the present instance, therefore, if the grounds of complaint were sufficient to support the resolution, it called for nothing more to justify removal. It might be said, are proceedings to stop here? By no means. His motion was this, he said: "that it appears to this House, that the sending Admiral Keppel, in the month of June last, to a station off the coast of France, with a squadron of 20 ships of the line, and four frigates, at a time when a French fleet, consisting, as there is great reason to believe, of 32 ships of the line, and certainly of 27, with a great number of frigates, was at Brest, and ready to put to sea, was a measure greatly hazarding the safety of the kingdom, without any prospect of an adequate advantage." He was free to acknowledge, that if he carried this motion, he would follow it with another for the removal of the first lord of the admiralty; and it would then rest with that House, whether the facts stated in his motion would not furnish matter sufficient to found upon it a parliamentary impeachment.

He had thus declared his objects without reserve: he looked upon Lord Sandwich to be the head and mouth of the admiralty board, and of course, in every sense responsible for its conduct: and he was the more urged to say so, because it would serve to shorten the debate, and prevent the several members of that board who were present in their places, from entering into personal justifications. In their judicial and ministerial capacity they were only responsible: but as they

* See New Parliamentary History, Vol. iv. pp. 625. 628. Vol. v. pp. 1257. 1266. 1299. Vol. vi. p. 50. Vol. vii. p. 74.

had no direct communication with the sovereign; as they were not admitted to his councils; as their advice was never sought nor taken; as no one part of the proposition stated in the motion, though fully proved, could reach them; he did expect that the gentlemen occupying seats at that board, would not take up the defence of their own conduct, as a proof of the innocence of the first lord of the admiralty. If they could controvert the facts, or justify them, in that case the subject lay open to them, as it did to every other member; but as they were not answerable for the state of the navy in June last, or at any preceding period; as it was not by their advice the squadron under Admiral Keppel was sent to sea; as they could not, in the usual exercise of the powers or functions of their office, be acquainted with the state and condition, the number and strength of the Brest fleet; in fine, as they were ignorant of the counsels which dictated the measure of sending Admiral Keppel to sea, they must, from these several circumstances, be exculpated from all blame on that account; at least, from any thing which at present appeared to the contrary. The measure, whether wise or injudicious, presented itself to them, after it had been considered, matured, and determined upon elsewhere. They might retain contrary opinions, but, as a matter of state, previously decided upon in his majesty's councils, they had nothing to do but to obey. The noble earl at the head of the admiralty, having all the necessary information, could only decide, and be alone responsible, and consequently he expected to hear that sort of justification which went to the measures and conduct of the noble lord, only relied upon.

He did not wish to be understood (for he was persuaded of the contrary), that even if Admiral Keppel had been defeated, and a descent had been made on this kingdom in consequence of that defeat, a conquest would have ensued; but he submitted to the House, the very perilous situation this nation, in such an event, would have been reduced to; and how incumbent it was upon the House to pass a marked censure, and express the strongest displeasure at the conduct of those who had staked the fate of this country on the issue of so perilous a contest. In the first instance, the possibility of having the seeds of all future navies, as it were, exterminated; in the second, putting us to the hazard of contending for our all with a raw, undisciplined militia, just embodied, and a very inadequate military force, mostly composed of cavalry. He would not carry his ideas as far as those entertained by the French, that a landing once made, the contest would only be, who should possess the Tower of London; but he would say thus much, that without an army, without fortresses to

interrupt them in their march from the water-side, our situation would be indeed terrible. No man trusted more to the spirit and native bravery of Britons than he did; yet he could not help thinking, that in the two possible, nay probable, events, of a partial destruction of our naval force, and an invasion under the circumstances described, the ruin of our trade and commerce then returning from the four quarters of the globe, to the amount of many millions, our want of military preparation and internal strength, the effect the whole must have upon public credit, the facility of landing on our coasts, and of pouring in troops from time to time, to almost any amount, the means of supplying them with provisions in a few hours, till they had gained a footing in the country, all these held out such a correct picture of what might have been the consequences of a defeat at sea, as fully justified the highest censure of that House, on the authors of a measure which risked at once our dearest interests, our independence, nay, our very existence as a free nation.

He commented on the part of the admiral's defence which he had read soon after he rose, and contended next that the treachery of ministers to their country, the persecution and prosecution of his gallant relation, demanded the utmost indignation of that House. He went into a variety of argumentative proofs to shew, that instead of trusting to an inferiority in any engagement in the narrow seas, on which the fate of this country might possibly depend, we ought, as an act of necessary prudence and policy, always to endeavour to have a decided superiority. Our insular situation, the nature of our internal defence, demanded such a precaution, nay it was the very idea of the noble earl at the head of the admiralty himself, who had said, that we ought not only to be superior to France alone, but that no person was fit to preside over the naval department, who did not, at all times, take care to have a naval force superior to the whole House of Bourbon united.

He begged leave to repeat, that he wished for the fullest proofs of the truth of the facts stated in his motion; but ministers had refused them under various pretences. The House acquiesced in that refusal, and he had no more to say on the subject, so far as it respected what had passed. The noble lord in the blue ribbon, besides saying that the papers called for would give improper information to our enemies, said, that those papers would be necessary for the justification of ministers. The moment was then arrived, when they were called upon by the nature of the motion, to produce them in their own defence. If they refused it, would it not be *prima facie* evidence, that the production of them would make against and not for them? They were refused in a very thin

House, but from the present full appearance, he trusted that the House would call for them, or draw the obvious conclusion. Be that as it might, if he could not procure the very best proofs, he had submitted to the House the next best evidence, namely, the papers taken aboard the Licorne and Pallas, further corroborated, confirmed, and explained, by the testimony of the honourable admiral in his place. With that intention, and with the permission of the House and his honourable relation, he would put such questions to him, as he thought were necessary to prove to its satisfaction, the two leading facts stated in his motion, that of the number of ships under the honourable admiral, and the force under the command of M. D'Orvilliers, the day the former sailed from Plymouth.

Admiral Keppel then gave personal testimony on the subject. Mr. Fox put several questions to him, which were answered substantially as he had stated them in his speech. The admiral prefaced what he said by a few observations on the delicacy of his situation. He avowed the facts stated in his defence, respecting the condition of the fleet on his repairing to Portsmouth in March; but acknowledged the subsequent exertions of the admiralty board to have been meritorious. He said he was never more distressed than when, in consequence of the information acquired from the Pallas and Licorne, he was compelled, for the first time in his life, to turn his back on the enemy.

Mr. Fox declared he was perfectly satisfied with the proofs contained in the answers given by his honourable relation, that the fleet sent under his command was considerably inferior to that of France then preparing to sail from Brest. He descanted on the negligence, obstinacy, or designed treachery of ministers; their credulity in trusting to the assurances of France, when so often warned from that side of the House, and when they had actual information of the formidable naval armaments going on at Brest and Toulon; and their unpardonable inattention to the measures necessary for our home defence, and the security of our distant possessions. The only defence administration could set up was, either to plead that they did not know the effective strength of France, or that they did; in either of which cases, he should leave it with the judgment of the House, whether their conduct was not highly culpable; and whether, in the first instance, they ought not to be immediately removed, particularly the noble earl (of Sandwich), who was, from his office, more especially responsible for the measures pursued and adopted in the naval department? His motion, as he observed before, did not go so far as the

noble lord's removal; but, if it should meet with the approbation of a majority of the House, he meant most certainly to follow it with a proposition to that effect. He then moved, "That it appears to this House, that the sending Admiral Keppel, in the month of June last, to a station off the coast of France, with a squadron of 20 ships of the line, and 4 frigates at a time when a French fleet, consisting, as there is great reason to believe, of 32 ships of the line, and certainly of 27, with a great number of frigates, was at Brest, and ready to put to sea, was a measure greatly hazarding the safety of these kingdoms, without any prospect of an adequate advantage."

Lords North and Mulgrave defended the conduct of government. The written documents, they said, were loose, indefinite, without date, and did not prove the existence of the ships for which they required anchorage, but rather the contrary; and Admiral Keppel's defence was of no weight, being founded only on the information derived from these vague and deceitful papers. The testimony respecting the state of the fleet in March, was erroneous, as the motion was limited to June; and official documents proved, that in July, 48 or 49 sail of the line were ready for service. When Admiral Keppel sailed with 20 ships, D'Orvilliers did not venture to encounter him, but remained at Brest till the 8th of July, and notwithstanding the admiral's return, his sailing produced the advantage of facilitating the arrival of the homeward-bound fleets. The retreat was, however, censurable, being founded on false information, and adopted without calling a council of officers. Admiral Keppel made several explanatory replies; he urged that the information obtained from the French frigates was proved true, by the engagement of the 27th of July, when the very ships, manned and armed as described in those papers, were opposed to his squadron. Although he had not formally called a council, yet he consulted several officers individually, who concurred in the propriety of returning to port.

The question being put on Mr. Fox's motion, the House divided:

	Tellers.			*Tellers.*	
YEAS	Mr. T. Townshend Sir P. J. Clarke	170.*	NOES	Lord Mulgrave Mr. Robinson	204.

So it passed in the negative.

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* "This was an unusual division on the side of the minority; and the minister shewed a degree of passion and vehemence in different parts of this debate, which was not at all customary with him. It was observed by some, who, from long experience, think they may form an opinion on the appearances of things in that House, that the question would probably have been carried in the affirmative, if the noble lord at the head of administration, having equally perceived the same indications, had not immediately applied himself to prevent their effect. For that minister, observing strong

Mr. Fox's Motion on the State of the Navy, upon the breaking out of the War with France.

March 8.

THIS day at half past four, the House being, if possible, more crowded than it was on the 3d instant,

Mr. Fox rose in pursuance of the notice he had given. He opened the grounds of his motion, which, he said, in several respects, resembled that which he had submitted to the House on the 3d instant. The difference between both motions was this; the principle was the same, but the former one was particular and specific. It stated a fact which he was sure no gentleman in that House doubted of who had spent a single thought upon it; nay, he would venture farther; a fact of which neither of the noble lords themselves (North and Mulgrave) who so strongly combated the motion, disbelieved, "that Admiral Keppel went out in June with 20 ships of the line, though there were then 27 certainly, if not 32, lying in Breast water." The present proposition was a general one: it contained matter of public and universal notoriety; it called for no specific or narrowed proofs; he would trust it to the feelings and convictions of every honourable gentleman present. That was the evidence he would adduce: that was the just tribunal he would appeal to; on that testimony, which every thinking man must secretly submit to, and every honest man avowedly declare, he trusted the fate of his motion. He would not examine this gentleman to the number of ships fit for Channel service at the time; he would not trouble his honourable relation to inform the House again, how many he had under his command when he fell in with the Licorne and the Pallas; he would not trouble the noble lord over the way (Lord Howe) to prove our inferiority in America; nor the whole world to prove, that we had totally abandoned

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marks of defection, particularly among that part of the country gentlemen who support administration, recalled both them and his other wavering friends to the standard, by openly declaring, that the motion of censure against the first lord of the admiralty went directly to himself, and to all the other ministers; that there could be no discrimination; as they were all equally concerned in the conduct of public affairs, they were all equally liable to answer for the consequences; there could be no separate praise or censure; whatever reached one, must reach the whole. Notwithstanding this defeat, Mr. Fox did not abandon, he only shifted his ground; and keeping his object still steadily in view, brought the business forward under another form a few days after. As he had given early notice of his intention, administration rallied all their forces." Annual Register.

our trade and commerce, our consequence and fortresses, in the Mediterranean. No; he should avoid any of these forms so necessary to substantiate charges where there was the most glimmering ray of doubt or hesitation, whereon to hang a loop. But, was that the case here? No; he was certain it was not. He should hear every fact and argument resorted to, but that of the terms of the proposition being not literally and substantially true. He should not hear a syllable of the contents controverted, but a great deal about, "Why come to this vote at this time? If true, the danger is passed. Why criminate without the necessary forms of legal or judicial process? And above all, what madness to come to a vote, when that very vote goes eventually not only to a censure of the admiralty board, or rather the first lord of the admiralty, but to the final overthrow of administration, and those immediately connected or dependent upon it?" Before he proceeded further, he begged leave to testify his entire approbation of the conduct of the right honourable gentleman under the opposite gallery (Mr. Rice), for his prudence, sagacity, and foresight. The right honourable gentleman gave notice, on a former day, that he would oppose the bill moved by an honourable friend respecting contractors, but he had declined the combat. He perceived, by the complexion of the House, that a certain description of men, who came down that day to give the minister their countenance and support on the present question, would withhold it on the other. He admired the right honourable gentleman's prudence. It would not be pleasant for the noble lord and himself to remain in a minority; it would have an alarming appearance, and might in the end be productive of several very disagreeable circumstances.

Such being the ground of public notoriety, such the uninterrupted current of public fame, such the acknowledgments of administration themselves, he could scarcely reconcile it to respect for that House, to go into any detailed proof whatever, were it not as well to shew what ministers had not done, what they had neglected, and the promises they had repeatedly made, as the means which the nation and that House had put into their hands, and the sanguine expectations they had to form upon such means and such assurances.

To lay this as part of the basis on which his motion was to rest, he begged leave to state a few particular facts from the papers on the table, which contained a series of five years of peace at two respective periods; the one including the five years following the treaty of peace entered into at Aix-la-Chapelle; the other the five years of peace preceding the year 1775. These he read in his place, by which it appeared,

that the naval peace establishment which took place in 1749, upon an average of the five years taken together, amounted to no more than 938,000*l.* while the average of the latter five years amounted to 1,738,000*l.* per annum, or an increase of nearly double. This, then, led him to compare the expence of the navy at the commencement of the two succeeding wars, to the peace establishments already mentioned. In the year 1756, the first of the late war, the expences amounted to no more, including navy extraordinaries, &c. than what was voted in 1778, with this difference, however, that the navy debt of the former period was but 1,600,000*l.*; whereas the navy debt of 1778 was considerably above two millions. Then it was in proof, as well in point of bringing conviction home to gentlemen's minds, as supported by every mode adopted for discovering legal truth, that our peace establishment cost us nearly double in the latter period to what it did in the former; and that the whole of our naval expenditure in 1778, exceeded what it was in 1756, by full half a million.

If, then, our peace and war establishments, latterly, were superior in point of expence, the next obvious consideration would be, whether our naval preparation and effective strength was proportionably superior, which might be reasonably expected; or whether it was even equal, which could hardly entitle those who had the management of it to any praise; or, lastly, whether it was considerably inferior, and furnished just cause for the censure of that House, and the well-founded resentments of the people at large. By an authentic paper which he held in his hand, it appeared, that the ships of the line of battle in 1756, were no less than 89, while the present first lord of the admiralty, in the first year of his war establishment, was not able to make out above 42 ships of the line, with a very deficient proportion of frigates. He should speak more particularly to that circumstance in his further progress; but he could not avoid making the proper use of these facts, thus contrasted, because they went to prove a part of his motion, which stated one of the grounds for desiring the House to agree with the vote of censure, that the state of the navy was not adequate to the sums voted; because the sums voted during the last peace, were nearly double what they were the preceding, while the naval force, at the breaking out of the former war, was more than double what it was at present.

As the assertions of ministers formed another ground of his intended motion, that consideration would bring him back to the number of ships actually ready for sea at the beginning of the year 1778. Towards the close of the preceding year, in December 1777, it was asserted by a noble lord in

the other House; he would not forbear to name him, the first lord of the admiralty: it was Lord Sandwich who asserted, not in the warmth of debate, nor in a hurry or passion of any kind, but coolly, gravely, and repeatedly in his official character, that we had then 35 ships of the line ready for immediate, actual service, and seven more would be ready in a few days; and doubts having been started of the correctness of this statement, as often as they arose, his lordship followed them up with this observation, "That no person was fit to be intrusted with the conduct of the naval affairs of this country, who did not at all times take care to have a navy equal to cope with, or superior to the whole united force of the House of Bourbon." This was the language of the noble lord in the months of November and December 1777; yet, in upwards of six months after, the whole naval force of Great Britain hardly amounted to the number stated by the noble lord; in March there were but six actually ready and collected; and even in June, when his honourable relation below him (Admiral Keppel) sailed, there were little more than the number mentioned in December, attended with this additional circumstance, that, instead of being able to cope with, or being superior to the united force of the House of Bourbon, we were not, at the beginning of June and July, even equal to France alone. On the 8th of July, the French fleet, consisting of 32 ships of the line, with a considerable number of frigates, sailed from Brest; on the 9th, Admiral Keppel sailed with only 24, though six had joined or followed him, between that and the 23d of the same month.

He did not confine these assertions to the noble lord in the other House; for he had heard them frequently repeated, confirmed, and stamped with the superscription of ministerial authority, by the noble lord in the blue ribbon, and very often urged and pressed by almost every member and friend to administration in that House. He was likewise at liberty to add, that this motion neither tended to nor expressed any exclusive censure on the first lord of the admiralty, farther than mere removal, on the grounds already mentioned, his incapacity or wilful neglect; the general censure was directed to all the ministers equally. If he had retained any doubt upon the subject, the conduct of the noble lord (North) on Wednesday put it beyond a question, or the least degree of uncertainty. The noble lord generously stepped forth, with all his popularity and interest in that House, to do — what? To shield his friend, to share his misfortunes, to rescue him from his enemies, or to perish gloriously in the attempt. Formerly, the noble lord was content to share only so much of the blame or credit of every measure: "He had nothing

to do in any office but that in which he presided. He was no minister but in his own department." But now the noble lord has totally changed his language: he has taken at least part of the responsibility upon himself, and divided the rest among his colleagues in office. Be it so; he has pledged himself, and his cabinet friends, to all the measures of the admiralty board. The motion is framed accordingly. Every honourable gentleman will now know how to conduct himself. If he votes for the motion, he will give it his assent on the degree of truth which it presents; if he perceives its tendency, and sees that it involves a censure upon all his majesty's confidential servants, then all will be open to him; the question will present fairly the alternative, "Are such men to be longer confided in, or is it better to trust to further contingencies, or at once withdraw our support?" The noble lord, by his conduct, or rather popular confidence, the last night, brought the point to the issue now described; and, for his part, he was perfectly content, as he thought it much better, as it respected every side of the House, that gentlemen, when they were desired to vote, should know the full extent to which the proposition made was intended to be carried.

He then proceeded to his conclusions, which were, that our navy was not in a better and more formidable state at the end of the year 1778, than it was in 1754; that in 1756, the expences of the navy were less by half a million than in 1778; that in 1756 nevertheless, we had 89 ships of the line, though in 1778 we had not more than one half the number; that instead of being able to cope with, or being superior to any force which France and Spain united could send against us, we were not equal to France alone. This he endeavoured to shew was the case in the month of July, in respect of the home defence, of our force in America and in the Mediterranean. In June, and in the early part of July, we were manifestly inferior to M. D'Orvilliers; in the Mediteranean, the inferiority was clearly evident, and in America Lord Howe was manifestly inferior to M. D'Estaing. Hence it was evident, that not only the ends were not proportioned to the given means, but that the first lord of the admiralty and ministers in that House had broken their faith with the public, and were no longer worthy of public confidence.

He begged leave to anticipate one of the noble lord's great arguments, or rather pillars of debate. Says the noble lord, "I was not the author of the American war. America rebelled. I am not answerable for the events of the French war; it was the perfidy of France that made that kingdom abet our rebellious subjects. I did not encourage the Bostonians to destroy the tea, nor to rise, nor to fight, nor to

declare themselves independent, &c.": though the noble lord is conscious that he did not take a single step through the whole business, that the next, on the part of America, or France, was not literally foretold, which amounts just to this, the noble lord confounds the cause with the effect, he presumes that the effect took place before the cause, and the cause followed the effect.

While he was upon this part of the subject, he said, it would not be quite foreign to touch a little on the repeated assurances given by other ministers, as well as the noble earl in the other House. When the first disturbances relative to the destruction of the tea sent to America broke out in that country, the language of the noble lord in the blue ribbon was, "pass the Boston Port bill, and the necessities of the people will compel them to submit." Well, the noble lord was mistaken, the people did not submit. Says the noble lord again, "send a few regiments, and force the Port bill down the throats of the discontented and mutinous with powder and ball." That recipe not proving efficacious. says the noble lord, "we will hold out terms to them," which gave birth to his lordship's conciliatory proposition. The conciliatory proposition was, however, treated with the contempt and derision which it merited. It imported this: "give us as much as you please, we will accept of it, and take afterwards as much as we think fit, in addition;" that is, "give us something, and we will then scramble for as much more as we can plunder you of, either by force, or stratagem." The noble lord finding himself baffled in all his plans, at length grew disgusted and angry. The whole force of this country was to be tried, the most vigorous measures were to be made; every thing was to be carried by the hand of strength, and America was to be brought to the feet of Great Britain, and submit to "unconditional submission." This high, this boastful language proved as vain-glorious, and the attempt as unprosperous as every other, to bully and deceive, to cheat and frighten. The people of America had too much good sense and resolution to submit to either.

In these several stages, gentlemen on his side of the House were not unmindful of their duty. As friends to their country, they reasoned, they argued, they ventured to predict. They did not — perhaps they could not bring that species of proof which was required to support a criminal charge in a court of law — they did not attempt to criminate, censure, or impeach; they stated the facts which they heard; they were persuaded of the truth of many of them; they reasoned liberally, they foretold the probable consequences, they conjured, remonstrated, and threatened. They unluckily spoke

with a prophetic spirit; and when every day's misconduct brought us into that precise situation which openly invited the interference of foreign powers, what was the language they adopted? "Take care of France and Spain." And what were the uniform answers? "The finances of France are exhausted; her income is not equal to the expences of her peace establishment: her navy is annihilated: she is on the eve of national bankruptcy: she is taxed to the utmost extent she is able to bear: she is without internal resources or credit. Spain is in a condition equally imbecile, and is incapable of assisting France, or of performing the terms of the family compact. France or Spain, however well inclined, will not set so dangerous an example to their own colonies; they will not encourage, foment, or support rebellion in the British colonies, lest the contagion may spread to those possessed by themselves in the New World. But allowing the worst that can possibly happen; grant that they should be instigated by motives of mistaken policy, of revenge, of false and dishonest ambition, their state of weakness and total inability, with our decided superiority, will be our best security. They know it is in our power to chastise them. France or Spain know better; and if they were inclined to combine or unite against us, they are not so blind as not to foresee, that such a combination would, nay, must, terminate in their ruin and disgrace."

A time however arrived, when conjecture seemed to receive some countenance from actual appearances. Mr. Deane arrived at Paris in the summer of 1776. I happened to be in Paris soon after his arrival; when I mentioned the circumstance in this House, I was laughed at. The noble lord and his friends on his right and left hand observed, "that Mr. Deane might have taken this trip for his amusement, or for business, or for curiosity, or at most in the character of a mere merchant;" in short, every motive was assigned but the true one. All did not end here. Dr. Franklin soon followed, but ministers still continued infidels, or affected it. Said they, "the doctor is an enthusiast; he is zealous in the cause which he has himself produced into being. But whatever his errand might be, signified very little, the appearances of the court of Versailles were such as might be trusted to with safety; they were of the most sacred and solemn nature. Dr. Franklin was treated coldly, and with manifest neglect, nay, with contempt. The court of France refused to receive him in a public character." In short, the opposite benches treated even every suspicion of the kind, as the mere effect of visionary fear, or originating in faction, till that gentleman was known to have transacted business with the French King's ministers.

So matters rested till a new scene unfolded itself, till the

Tobacco contract was publicly known and acknowledged by the French court. Even then the appearance of delusion was kept up; for it could be no more. The lame and ridiculous apology made by that court, was instantly adopted by ministers in that House: "It was only a commercial contract, dictated by necessity. It had nothing political in it, nor any seeds of hostility in its nature. Tobacco must be had, to secure to the crown one of the most beneficial branches of its revenue; Great Britain could not, in the present situation of affairs, supply the commodity, and a supply must be sought, where only it could be had." So the delusion was kept up, till the signing of the treaty between France and the congress delegates could be no longer concealed; not when it was known in that House, for he had communicated it in his place, in ten days after it was signed; but when the rescript delivered by the Count de Noailles, almost four weeks after that communication, rendered the further concealment totally impracticable.

The folly, madness, and delusive arts of the noble lord in the blue ribbon, and of ministers in both Houses of parliament, were nevertheless exerted as strongly during the intermediate period, between the actual signing and the delivery of the rescript, as at any former one. "No such treaty," it was said, "existed. France had neither the will nor ability to carry it into execution." And to conclude the whole of this political, farcical delusion, they desired parliament to agree to the passing of certain acts, and to the delegating certain powers to commissioners, though ministers, as it had since come out in actual proof, knew at the very instant they proposed them, that they must prove totally nugatory, and serve only to render this country despicable in the eyes of all Europe.

He presented this argument in a variety of lights, and drew the following inference; that ministers acted under the dominion of the grossest and dullest ignorance, and were therefore unworthy of public trust or confidence; or from sinister, corrupt, and concealed motives, and further urged by some powerful criminal influence, operating upon their minds, had wilfully misled, and by a studied series of delusions and a preconcerted plan of impositions, had imperceptibly dragged, or rather allured, this infatuated country to the very verge of destruction. This was a dilemma from which neither the blind confidence nor studied plausibility of the noble lord in the blue ribbon could extricate him. The alternative was, that ministers were either ignorant or treacherous. If ignorant, was there a gentleman in that House who would trust his dearest and nearest concerns to such men? If treacherous, where was the person who would be mad enough to trust his most in-

portant concerns to men who, he was persuaded, would sacrifice them to their own dishonest and corrupt views?

He again returned to the substance of his motion, and entered into further particulars in support of it. He observed, that in April, France detached twelve ships of the line, though we were not able to detach an equal number till about the same time in the month of June. We gave France full time to effect their purpose, had not the elements so remarkably befriended us, which must have at once destroyed our naval force in America, and as the consequence of such an event, given her a decided superiority in the European seas. If M. D'Estaing had not remained so long in the Mediterranean, which was occasioned by adverse winds, it was probable that he would have reached the coasts of America before Mr. Byron left Plymouth. There were papers on the table which shewed, that ministry were acquainted with D'Estaing's destination before he even sailed. Knowing that circumstance, if they were able, why did they not detach as soon as the fact came to their knowledge; or if they were not able, which he believed was the truth, why did they not send out a few ships, at least, to put the noble lord over the way (Lord Howe) nearly upon an equality with D'Estaing? On the contrary, the noble lord was left to chance, to meet an enemy infinitely superior, and the fate of the fleet under his command, and the army of course, exposed to imminent danger. The superior genius of the noble lord, it was true, stood unrivalled; for, by an effort which had exalted him in the opinion of those who thought most favourably of him, and had, if possible, rendered him more dear than ever to his grateful country, he rescued it from a blow which, if it had proved successful, must have produced consequences which it must have long felt, and which perhaps could never be retrieved; but notwithstanding the noble lord's unexampled bravery and ability, had the French fleet arrived but even six days sooner, his experience and professional skill would not have been sufficient, He must, with the whole of his little force, have fallen a sacrifice, and with him, perhaps, the naval power and glory of Great Britain.

Fortune, indeed, had been very kind to us. We had had our escapes in almost every quarter of the globe. She had been our constant attendant. The ministry, on a former night, complained of ill luck; but he would balance the account with them on that score, though he was persuaded that fortune had fairly declared on their side. He would therefore try them on the merit and wisdom of their measures. The noble lord already alluded to could soon satisfy the House on that head. He could readily inform the House how inferior we were to France in America, as it was now well known and acknow-

ledged, we had been in Europe. How did this accord with the opinion of the noble earl in the other House, who presided at the admiralty board, "that the minister ought to lose his head, who had not a fleet equal, if not superior to the combined fleets of France and Spain?" That assertion was, and ever would be, alive in his memory. That noble lord had forfeited his word to the public; he had pronounced his own condemnation; nor did he see upon what ground those who had hitherto supported the present administration, could continue to support them in the pursuit of measures which, from the very commencement, were impracticable; which were rendered still more so in their progress; and, above all, how that House could put a further trust in men who had forfeited all future confidence, from repeated breaches of public faith, and that in instances, where the honour, interest, nay, the very existence of this country were most materially concerned.

The honourable gentleman concluded with moving, "That it appears to this House, that the state of the navy, on the breaking out of the war with France, was very unequal to what this House and the nation were led to expect, as well from the declaration of his majesty's ministers, as from the great sums of money granted, and debts incurred, for that service, and inadequate to the exigencies of the various services for which it was the duty of his majesty's ministers to have provided at so important a crisis."

The motion was opposed by Lords Mulgrave and North; and supported by Lord Howe, Admiral Keppel, Sir Horace Mann, Mr. Temple Luttrell, Mr. Grenville, Mr. Byng, and Mr. Burke. At one the House divided on Mr. Fox's motion:

	Tellers.			*Tellers.*	
YEAS	Lord J. Cavendish Mr. T. Townshend	174.	NOES	Lord Beauchamp Mr. C. Townshend	246.

So it passed in the negative.

MR. FOX'S MOTION OF CENSURE ON ADMINISTRATION FOR NOT SENDING OUT REINFORCEMENTS TO LORD HOWE AT NEW YORK.

March 22.

ON the order of the day being read,

Mr. Fox rose. He began with observing, that possibly the resolution he should have the honour of proposing to the

House, would, by the noble lord in the blue ribbon, be called a strange one; for so he observed it was the fashion with the noble lord to term every motion which was proposed from that side of the House, and which did not immediately meet the wishes of the noble lord. He should nevertheless proceed to open his motion, or rather his two motions, to the House; for he had two to propose, and which, as they in a manner depended upon each other, he had thought it right to propose and speak to on the same day; at the same time assuring the House, that he meant not to trouble them with any other motion till after the holidays, when he should offer one more, which would generally refer to all that he had already had the honour of moving in that House. He observed, that he had made several propositions, stating that our navy was not adequate to the necessary services, from time to time; which had been negatived, on the grounds stated by the King's servants, that we had 35 ships ready for actual service in November 1777, and seven in a state of preparation so as to be ready for sea in a fortnight, and that in June 1778, our naval force was such as to be adequate to all the services required. He had made a motion directly the reverse, but the opinion of the House was against him. His present motion would be engrafted on this negative, which he knew to be false, viz. "That our navy in the month of June last was adequate to the important crisis." This being the ground of his first motion, and of his second, it would be productive of this dilemma: that our force having been adequate, and not properly employed, administration were deserving of censure; or, if adequate, that then it must follow of course, that the House, in putting a negative on his motion, had resolved what could not be supported either by fact or reason.

His first motion, he said, was, that the not sending a reinforcement to Lord Howe at New York sooner last year, was a gross piece of misconduct and neglect in his majesty's servants: his second, that the not sending a fleet to the Mediterranean last year was also a piece of gross misconduct and neglect. The two propositions were substantially, he said, the same, though directed to two different objects; because, if Lord Howe had been reinforced, or the Streights of Gibraltar watched, in either event the effect would be similar; that of securing to Lord Howe the full advantage of the force under his command, or giving him a superiority in case the Toulon squadron was permitted to cross the ocean. Here, then, the alternative was, that either our naval force was adequate in the months of February, March, &c. to these services, or it was not; if adequate, the not reinforcing Lord Howe was, in the

terms of his motion, a gross piece of misconduct and neglect: if inadequate, which he had no doubt was the fact, the censure contained in his motion was equally well merited.

Having surrounded ministers with this dilemma, from which he contended it was impossible to extricate them, he proceeded to explain what he deemed to be the true point at issue, from what had fallen from gentlemen within doors, and from what he had heard in conversations without; that some independent part of the House voted with administration, not because they believed the force adequate, but upon motives of conscience and justice. Said they, "We have brought ministers into a dirty lane; we have encouraged them to prosecute the American war; let us bring them through, and not basely desert them in the moment of distress, occasioned by measures of which we have been the authors." This mode of reasoning, he said, was apparently mistaken, and the motives misconceived; they had not brought ministers into the American war, but ministers had led them into it by misrepresentations of all kinds, by promises broken as often as they were made, by false hopes, false fears, and by every species of political delusion. He then made a particular application of the whole of the measures respecting the American war, the promise of a revenue, of obtaining unconditional submission, and finally, with giving up every object contended for at the outset, and promised in the future progress of the business. He charged the noble lord in the blue ribbon with an act of public perfidy, with a breach of a solemn specific promise. He reminded the House, that in February 1775, his lordship moved his Conciliatory Proposition *, and pledged his honour to the House and nation, that he would never agree to any measure which should go to enlarge the offers therein made; yet, at the end of three years, after sacrificing thirty millions of money, and 30,000 lives, his lordship, in the same assembly, not only solemnly renounced all claim to superiority, revenue, and internal legislation, but consented, by the mouth of his commissioners, to the giving up the monopoly of the American trade, the appointment of governors, and all subordinate officers, and the royal prerogative of keeping up or sending an army in any part of the empire his majesty might think proper. From this state of facts he drew this conclusion; that ministers had led the parliament into the war, and had broken the promises which induced parliament to adopt the measure; that the motion, as stated by him, involved a dilemma which in-

* See p. 36.

controvertibly proved the charge of misconduct and neglect, and of course, that those gentlemen who voted upon independent principles were neither bound by previous engagements, subsequent measures, nor any obligation of honour, to vote against their conscience and conviction.

He then animadverted on the conduct of the noble lord, whose arrogance, he said, was unpardonable. His unreserved contempt of the whole body of the people of England, without doors, was no less indecent than ungenerous. To treat his best benefactors in so haughty a stile as to lump them indiscriminately under the appellation of "populace, and coffee-house readers," was a language that did not become any member of that House, much less a minister, who, to be able to serve his country, should always endeavour to be popular, and secure the good opinion of the people in his favour; much less, a minister who had led them by the arts of specious delusion into those dirty ways, which it would be very difficult to wade through, without the utmost danger from surrounding perils. He presumed, the noble lord included every person who differed with him under the contemptuous description of populace and coffee-house readers; but he begged leave to remind his lordship, that his former motion was supported by 174 independent members, while those who voted with him were either persons who, from their situations, were in a great measure obliged to support him, or were composed of those gentlemen who erroneously imagined that they were bound in honour to get him through the dirty lane, into which his lordship—not they—had led the way.

Speaking of the present ministers in general, he said, they were so lost to every sense of shame, that they exerted their influence in that House in a manner equally disgraceful to themselves, and to those who supported them. Their arguments in controversion of his late motions — motions which were founded on indisputable facts — facts which were admitted every where but within those walls — reminded him of what he had once read in a book written by a man of acknowledged abilities, though his principles were not much admired. The writer he alluded to was Mr. Hobbes, who in one of his prefaces speaking of the powerful operation of self-interest in all matters of controversy, said that there were men who for the sake of argument, when upon that argument depended their emolument, would strenuously contend that three angles of a triangle were not equal to two right angles, and that sooner than give up their interest they would give up their reason, and hold arguments directly repugnant to every principle of reason or common sense. He applied this quotation to the conduct of ministers and their adherents.

He declared, that his motion warranted a great deal more of argument than he had used, but as he had taken up the time of the House, perhaps too much of late, and as in the discussion of the several motions he had the honour to offer within the course of the last four weeks, the substance of his present motion, and of every thing which referred to it, had been introduced into debate, he would no longer trespass on the patience of gentlemen or mis-spend the time of the House. He therefore read his motion, "that the not sending any reinforcement to Lord Howe before the month of June last, was an instance of neglect and misconduct in his majesty's servants." His other motion was, "that the not sending a fleet to the Mediterranean, was an instance of misconduct and neglect in the king's servants, especially considering the early intelligence they had of the equipment of the Toulon fleet."

The motion was opposed by Lord Mulgrave, Lord North, Mr. Dundas, Governor Johnstone, and Lord Germain; and supported by Mr. Burke, Lord Howe, General Conway, and Colonel Barré. The House divided on the first motion: Yeas 135: Noes 209. The second motion was withdrawn.

Mr. Fox's Motion for the Removal of the Earl of Sandwich, First Lord of the Admiralty.

April 19.

THE order of the day being read,

Mr. Fox rose to make his promised motion, which he gave notice of before the Easter recess, for the removal of the first lord of the admiralty from his office, and from his majesty's presence and councils. He observed, that he would take up very little of the time of the House. He meant only to recapitulate the facts which he had brought forward in support of his former propositions. It would be sufficient barely to state them, for the purpose of calling them back to the recollection of the House, and present them anew in two different forms: namely, as the state of the navy in 1778 bore a relation to the naval power of France, and its comparative strength with that of a former period of naval preparation and war in this country. To the motion itself, as a proposition to which the assent of the House was desired, he expected to hear one plausible and general answer given. He expected to hear it objected to as

totally destitute of any proof to support it. It would be said, "Have not the facts, or presumed facts, which have been urged on former occasions, been rejected by so many distinct negatives, in the manner they were separately proposed? That is, shall we now agree to come to a general vote of censure, upon an accusation which has been negatived in all its constituent parts? Shall we, in the capacity of judges, proceed to a direct censure of the party accused, though we have given a previous opinion, that not one of the allegations is true?" The reasoning, he confessed, had something in it, otherwise he should not have given the House or himself the trouble of taking notice of it; and he would meet it in this way:

That although the House did not concur in a vote of censure on any one of the separate grounds of accusation, it might well concur upon the whole charge collectively taken. The great waste of public money, the promises of the noble lord, our inadequate state of defence in June, the neglect of reinforcing the noble lord (Howe) over the way, when the fate almost of America depended upon it; the abandoning the trade and fortresses in the Mediterranean, &c. might not contain singly sufficient cause of removal in the opinion of a majority of that House; but taking them in the aggregate, they would furnish matter well worthy of the vote of censure, which he was about to move, on the ground of wilful neglect or gross incapacity.

The reason of such a mode of determining upon a complex charge was obvious, and was plainly within the inquisitorial power of the House. The House was competent to enquire, to examine, and censure. Their jurisdiction could not extend to punishment. They might accuse, but could not punish any man, much less any one of their own body, in any other way but by expelling him. When criminal charges, reciting specific offences, were made, they could only be decided upon in courts of criminal justice. On these occasions the House of Commons, upon impeachments, acted as the grand inquest of the nation. The present proceeding was of a different nature, and did not call for that specification and certainty, which the law justly and wisely required when a man was questioned in a court of criminal judicature, and put upon a trial, on the issue of which might depend his honour, his property, and his life.

Such being the true nature of votes of censure, for removal only, as contradistinguished from accusations specifically made and crimes distinctly alleged; it followed that the same degree of proof was not necessary; and such had been the usage of that House upon similar occasions, some of which he had mentioned in a former debate in cases of votes of removal.

Without relying totally upon former precedents, in support of the doctrine now laid down, though of an age too young to entitle him to a seat in that House, he remembered, that he had been present at several debates on the Middlesex election, when an honourable gentleman, now a member of that House (Mr. Wilkes) was expelled upon an aggregate charge, such as that on which the present motion was founded. He was charged in the original motion, for publishing the North Britain, No. 45; for writing an impious and profane pamphlet, intituled An Essay on Woman; for writing a libel on a noble viscount (Weymouth) then in high office, relative to the transactions in St. George's Fields, on the 10th of May, 1768; and for being outlawed. Here, then, were four separate charges collectively taken as a good ground of expulsion. The argument of those who supported the propriety of the vote, when pressed to take the sense of the House upon the several charges mentioned, was, would it be proper to expel him for any one of them? No; none of those charges separately considered, would justify the vote, but collectively taken, they were sufficient.

He remembered the persons who took the lead in that business: they were the same who he expected would oppose the present motion. He hoped, therefore, that they would either decline any opposition on the present occasion, or acknowledge that they acted unfairly and unjustly in the instance alluded to. Whatever his hopes might be, he had very little solid reason to expect so much candour at their hands; at all events, they would stand convicted in the opinion of every impartial person; they would stand convicted of making their avowed doctrines and principles give way to their convenience.

But independent of the precedent he had just mentioned, his motion would stand fully justified from its nature and the object it pointed to; for the question would shortly amount to this, without the shadow of criminality attending it—is the first lord of the admiralty equal to discharge the functions of his office with safety to the state and with honour to the nation? Has he done it; or what reasons have parliament to suppose, if he has not performed his duty heretofore, that he will act more wisely or capably hereafter? In fair argument and common sense, the strong probability is, that he will not. Suppose the noble lord ever so indefatigable, ever so zealous or well inclined, the obvious deduction is, that according as the difficulties increase, his inability to provide against them will likewise increase. It would, indeed, be absurd, romantic, nay monstrous to presume, that the author of our very alarming situation, should be the only person in the nation, to rescue

us from the consequences of that situation. It would be the last degree of folly and madness to expect, that a person, who by his ignorance and gross misconduct, had brought or suffered this country to fall from the highest pinnacle of fame, respectability, and naval glory, to the last stage of national degradation, weakness, and disgrace, contrary to every principle of public opinion and experience, was nevertheless equal to the very arduous task of acting as the saviour of his country, and the guardian of its interests, prosperity, and reputation.

He next proceeded to enumerate the several charges of misconduct, incapacity, or wilful negligence, which he had brought against the noble earl in his three motions before the holidays. He observed, that the noble lord had asserted, in another assembly, on the 20th of November, 1777, in reply to a noble lord since deceased (the Earl of Chatham), that there were on the preceding day, to wit, on the 19th of November, 42 sail of the line ready and almost ready for sea; 35 actually ready, whose complements were 20,300 seamen and marines; 18,000 and a considerable fraction of which were already aboard, and upwards of 3,000 seamen and marines not shipped, which would more than supply the deficiency; that there were seven more ready to take their complements aboard, which could be easily procured in a very few days upon an emergency, by calling in the protections and issuing press-warrants. This was the noble lord's solemn assurance in another place, but what truth there was in that assurance might be easily gathered from this circumstance; that when Admirals Keppel and Byron went to sea in the month of June following, his greatest efforts in the course of seven months, the last of which was a period of war preparation, produced no more than 42; twenty being sent under Mr. Keppel, thirteen under Mr. Byron, and nine sent upon miscellaneous services, to the West Indies, North America, &c.

He arraigned the bad policy of totally neglecting the Mediterranean, and not sending a squadron there on the first notice received of the formidable armaments going on at Toulon; and if that measure was thought hazardous, there was not, he said, even a colour of cause, for not detaching, in order to reinforce Lord Howe.

He condemned the sending out Admiral Keppel with 20 ships to go in search of an enemy greatly superior: and contended, that it was big with danger, and might have terminated most fatally, had not the honourable admiral most fortunately fallen in with the Pallas and Licorne French frigates, and taken them, by which means he discovered, to his utter astonishment, that ministers had risked his whole fleet, in order to preserve appearances which they meant to keep with

the people. They supposed, that Admiral Keppel might possibly not meet with the enemy, or if he should, that whether flight or defeat was the consequence, they might be enabled by their arts, by their emissaries every where, and their hirelings in print, to shift the blame off their own shoulders, and lay it upon the admiral, the officers, and seamen. Their subsequent conduct proved their disposition towards the admiral, and their real intentions. For when they found themselves no longer able to impose on the people, by its being known that the admiral returned for a reinforcement, they were urged by rage and disappointment, and shewed every mark of it in the whole of their subsequent conduct. The first lord of the admiralty never thanked the admiral for returning, nor either approved or disapproved of his taking the two frigates; but permitted him to go to sea again without giving the least token of approbation whatever, further than a cold official letter.

The noble lord, however, did not long conceal his sentiments under the mask of coolness and indifference. His lordship soon acted in an hostile manner; for, though he knew that Sir Hugh Palliser had accused, in a public print, by a letter signed with his own name, his commander-in-chief; and though his lordship afterwards knew, that the vice-admiral of the blue had declined to call for a court-martial to enquire into his conduct, merely on the pretence of not obstructing the public service; yet in a few days after, when that gentleman preferred an accusation, without any cause whatever intervening, the accusation was received, and instant orders the same day given to the admiral to prepare for his trial.

How was it possible, for any man of honour or spirit, to serve with any safety to his person or character under such men, whose whole conduct was fraught with oppression and malice? It was a situation no independent man would submit to. It was a situation from which every wise and prudent man would fly with horror and disgust. The consequences were already felt in some instances; Lord Howe and Admiral Keppel were driven from the service; the whole body of sea officers were discontented; and that zeal, spirit, union, and confidence, which was the very life of military enterprize and success in war, was fled, and the whole navy divided and split into factions. How the whole would terminate was more than he could venture to predict; but one thing was pretty evident, that the discontents among those to whom the defence of the country was entrusted, bore a very alarming and ominous appearance; and if some remedy was not speedily applied, he foresaw, that ministers would finally accomplish that ruin, by their faction and intrigue, the foundation of which they had laid by their incapacity.

After dwelling for a considerable time on these circumstances, he mentioned several others of a less important nature; one in particular, to shew the predilection which the admiralty-board had manifested in respect of ordering Admiral Keppel to be tried, though his accuser, Sir Hugh Palliser, the next day but one, after the order was issued for that purpose, acknowledged in the face of the nation in that House, that he brought his accusation merely from motives of self-defence, and to exculpate himself from a charge of disobedience made by his commander-in-chief.

As a farther proof of the partiality of the admiralty-board, which he considered to be entirely influenced, or rather directed by the noble earl, he said, four of the members sitting upon the trial of the vice-admiral of the blue were persons, who on the former court-martial, had given the most favourable testimony respecting his conduct in the action off Ushant; and likewise, that the persons summoned to give evidence were such, who either knew least from their distance from the Formidable, or were otherwise less positive or direct in their testimony.

This led him to the effect probably intended to be produced by this trial, which originated in motives of revenge to his honourable relation Admiral Keppel; for if by any management, the vice-admiral should be acquitted, the inference would be, that having done his duty, there must have been misconduct somewhere, which he was persuaded they would endeavour by this oblique manner to lay to the account of the commander-in-chief.

When he said this, he begged that gentlemen might understand, that he meant not to throw the least suspicion, much less a direct imputation upon the officers alluded to. He stated the fact as it struck him; and it was fair to argue upon it and reason by analogy to the conduct of other tribunals. He understood it was a good ground of challenge to a juror, if he was even suspected of entertaining a bias one way or other. He thought it a very proper precaution, and the reason was obvious; because the law presumes, that the juror is wholly to be guided by the evidence of the facts alleged or controverted, and not by any pre-conceived opinion of his own. The tenor of his oath is the same with that taken by a member of a court-martial, who is restricted by it, to give a verdict according to the evidence adduced in court, and not from any opinion formed upon his own knowledge or presumed knowledge.

As a farther reason for his being persuaded, that the noble earl all along acted from the same principle of secret enmity and resentment to his honourable relation, he observed, that

after one of the most respectable courts-martial that ever sat, had pronounced the charge brought by the vice-admiral of the blue to be malicious and ill-founded, ministers took no one step to shew, that they were convinced of the justice of Admiral Keppel's acquittal, or of the infamy with which his accuser had been branded by that passage in the sentence of acquittal, nor would since, if he had not given notice, that he meant, as the next day, to make a motion, which they learned was intended for the vice-admiral's removal. When that day arrived, instead of expressing a syllable of disapprobation of Sir Hugh Palliser, a noble lord (Mulgrave) who enjoys a seat at the admiralty-board, rose and acquainted the House, that Sir Hugh had sent in his resignation, and that the board had accepted it. Still, however, he retained the lieutenant-generalship of the marines, and his government of Scarborough castle, till ministers again learned, that a motion to remove him from those two posts was meditating. Here they found themselves compelled to do what they feared might have been forced upon them. Accordingly the noble lord in the blue ribbon, with no small share of visible reluctance, found out, that Sir Hugh Palliser had tendered a resignation of his command in the marines and his government, and that his majesty had been pleased to accept them. In short, he believed, there was not a second instance in the annals of this or any other country, of a person who had been so publicly disgraced, being permitted to retain places of such rank, emolument, and consequence, without any intention of removing him, till by an unexpected address to the throne for his removal, the consequences of which his majesty's advisers did not think prudent to risk, they found themselves obliged to acquiesce.

He laughed, he said, at the pompous accounts of our successes in the East and West Indies, which made their way into the London Gazette, and said, they were of very little consequence, when it was considered how dearly they were purchased; particularly the latter, where one half of the troops were dead or dying in hospitals; nor did he think the news just received from Georgia, was of consequence sufficient to balance the hazard and expence attending it. He said, he understood that Colonel Campbell was arrived from Georgia the night before, and had brought an account of a victory gained over the Americans, but this victory came accompanied with a requisition for an immediate reinforcement. Our very victories and successes were nearly as fatal as our defeats. The troops under General Grant, the finest and best disciplined in the world, must return to America or Europe, or remain only to fall a prey to disease and the effects of a noxious climate; and the return of the second officer in com-

mand from Georgia, was a demonstration, that the expedition to that province was planned in weakness, and under the mistaken idea, that the body of the people were attached to the British government. He said, that the force was inadequate either to effect conquest, or give that degree of protection which was necessary to unite the loyalists or neutrals to the royal standard.

He protested before he sat down, that he entertained no personal pique or resentment against the noble lord at the head of the admiralty. His motives proceeded from his zeal for the good of his country. Uninfluenced by factious or party views, he stood forth in behalf of the state, which, if not rescued out of the hands, to whom the reins of government were entrusted, must certainly be ruined, he feared irretrievably undone. The part he had taken, was disagreeable and painful on many accounts; so much so, that nothing could have urged him to it but a thorough persuasion, that the present or some similar motion, presented the only probable means for saving the nation, and for the recovery of its former power, reputation, and glory. He finally moved, "That an humble address be presented to his majesty, that he will be graciously pleased to remove from his presence and councils John Earl of Sandwich, as first commissioner of the admiralty, on account of the general ill state of the navy, under his administration, at the most critical seasons."

The motion was warmly supported by Admiral Keppel, Mr. James Grenville, Lord Howe, Mr. Thomas Townshend, Colonel Barre, and Lord John Townshend; and opposed by Lord Mulgrave, Governor Johnstone, Lord North, Mr. Welbore Ellis, and Captain Walsingham. The House divided on the question at a late hour, when Mr. Fox's motion was rejected by a majority of 221 to 118, who voted for the removal of the first lord of the admiralty.

Enquiry into the Conduct of the American War.

April 29.

THE House having resolved itself into a committee to enquire into the conduct of the American war, Sir William Howe moved for the examination of Earl Cornwallis. The question was put to him, "Upon what points he meant to interrogate the noble lord?" to which the general replied, "to the general conduct of the American war; to military points generally and par-

ticularly." These words were eagerly seized by Lord North, who, working them up with the original into the form of an amendment, under that colour nearly framed a new motion, which he knew carried its own rejection along with it. The words of the motion in that state were, "That Lord Cornwallis be called in and examined relative to general and particular military points, touching the general conduct of the American war."

Mr. Fox said, that the intended effect of the motion, was a public avowal of ministers to suppress all enquiry into their conduct. How was it possible to judge whether they acted right or wrong, until it was first known whether their plans and instructions were founded in wisdom, or were in themselves practicable? How could that be known but by the opinions of officers serving on the spot, who were the best judges how far the plans were practicable, or the force adequate? America was lost; forty millions of money and 30,000 lives had been already expended; the correspondence on the table contained opinions diametrically opposite to each other; the commander-in-chief says in his letters to the noble lord, the secretary of state for the American department, "I want 20,000 men for the ensuing campaign, and I cannot expect to succeed with a less reinforcement." "No," says the noble lord in his answer, "I cannot let you have so many: I can let you have 6 or 7,000. You are going to Pennsylvania, where great numbers will resort to the royal standard; you may by that means recruit your army to the necessary complement." Well, the honourable commander proceeds, at the head of a force he deems inadequate; his army is not recruited in the manner foretold by the noble lord; the operations miscarry. How, then, can the House judge on this affirmative and this negative? Only by knowing from officers of rank on the spot, which of the two honourable persons was in the right; he that said such a force was adequate, or he that said such a force was not? It put him in mind of two lines in an old song, "You know you're in the right, I think you in the wrong." After examining several other passages in the correspondence, in the same manner, and demonstrating in several instances a contrariety of opinion between those who planned, and the person who was to execute, he laid it down as the only test to lead to a proper judgment, on the whole of the conduct of ministers and generals, to examine witnesses *vivâ voce*, to prove to the House who was wrong and who was right. A refusal on the part of administration to admit such evidence, he contended, was a clear acknowledgment of guilt; they dare not face the enquiry, because they knew it would lead to their conviction; and they now by the most shameful evasion, and a mere trick of debate, endeavoured to avoid it,

under the most scandalous pretence, that the House was not competent to receive or decide upon evidence respecting the conduct of military commanders. The noble lord in the blue ribbon, who had recourse, because he was driven, to this pitiful shift, well knew that the question fairly before the committee was, whether the plans were practicable, or the instructions such as could be defended? Afraid to meet the issue, his lordship raised an objection, which he knew, if carried by the amendment, would amount to a dissolution of the committee.

What did the papers on the table present? a string of contradictions between the general and the cabinet. The minister at the head of the finances, after several breaches of promise and false predictions, tells the House, that the whole strength of the nation shall be exerted; that 70,000 men and a suitable navy shall be the consequence of those exertions. The general and admiral accept upon those conditions; the men and ships are voted; 70,000 men appear upon paper, while little more than half the number ever appear in array. America is lost; the general is blamed for not performing impossibilities, and impossibilities previously and timely stated by him; but when a proposition is made, to know which party is wrong, or which is right: No, say the offenders and authors of our misfortunes, the truth can only be known in one mode by the means of a particular species of proof, and that we are determined you shall not have.

Such was the case of his honourable friend near him (General Burgoyne). That gentleman undertakes a certain service with a certain force; he never gets half that force; he desires discretionary powers; he is refused them. By a letter on the table, he disapproves of employing savages; he is compelled to employ them. The noble lord, who approved of the original plan, who neglected to perform his part of it, who struck out of it the discretionary power desired, who forced savages instead of veteran troops upon the commander, refuses the testimony of military men, for the best reason in the world, because he is convinced, that if military men were to give their opinions on those particulars, they would and must decide against him. The officers who served under his command would, he knew, bear testimony, that savages, independent of the barbarity and horrid cruelty of employing them, were not to be depended upon; that the force was totally inadequate to the service; and that all the difficulties and misfortunes that followed, down to the surrender at Saratoga, were imputable solely to the peremptory orders which the general understood himself bound to obey, by the striking out of his original plan the discretionary power proposed, which would

have left him at liberty to vary his operations, according to times and circumstances.

He attacked the noble lord at the head of the American department, and the whole cabinet, for their insidious conduct towards the honourable general near him. He called upon the subordinate instruments of administration to stand forth like men and avow their sentiments. One learned gentleman (Mr. Dundas) on the first proposition for a committee, had spoken of the expedition from Canada in very strong and decided terms, and had, without a tittle of proof, censured the conduct of the honourable general who commanded it; the same learned gentleman had, more than a year since, found fault with the operations of the grand army to the southward. An honourable friend of his (Governor Johnstone) had not been backward or shy, in publicly declaring his opinions upon both the naval and military conduct of the American war; so had several other gentlemen in that House. He should forbear to lay any stress on the pamphleteers, runners, whisperers, and coffee-house emissaries of administration; they had all received the lie direct from the noble lord in the blue ribbon. It was now pretty clear that his lordship was not their employer; but as to those gentlemen, members of that House, who, by their respectable situations and independent spirit, had publicly avowed their opinions, he expected they would have the candour either to renounce them from conviction, or maintain them upon those laudable principles on which they had affected to adopt, or were willing still to adhere to them. They were specially called upon to forward the enquiry in its fullest extent, or honestly recant, and subscribe to the creed of the noble lord in the blue ribbon: "that the noble admiral and the honourable general had acquitted themselves with the utmost bravery, fidelity and skill; that the honourable general's narrative brought home conviction to every impartial mind; and, that it would be wasting the time of the committee to no manner of purpose, unless the object of future enquiry was meant to be directed to an examination into the conduct of ministers." If, therefore, the noble lord should obstinately persist in his motion, he made no doubt but such gentlemen as had censured the military conduct of commanders in their absence, would be the first, if they should not have changed their former opinions, to give an opportunity to those gentlemen to exculpate themselves, and of course vote against the amendment proposed by the noble lord.

He dwelt some time on the praises bestowed on the commander-in-chief by the ministers; there was scarcely a letter which did not contain the most flattering expressions. But

he mentioned that circumstance only to shew the treachery of one, if not all of them. The noble secretary, while he was loading the general with encomiums on his zeal, activity, and talents, was secretly undermining him; for the whole correspondence shewed that he never had his confidence. When the general gave an opinion, the secretary answered him in the negative; he had his spies and informers on the spot; he trusted to their information, not to that of the commander-in-chief; so that while he made the general responsible for the events of the war, he was, by means as foolish and preposterous as they were base, endeavouring all in his power, to defeat the very measures he seemed so anxious to carry into execution. He said, the noble lord's amendment went to an actual dissolution of the committee, and an implied acknowledgment of guilt in administration, by putting a stop to an enquiry which they dared not meet.

The question was put on Lord North's amendment, and the committee divided: Yeas 189: Noes 155. The debate was again renewed on the main question, whether the motion so amended should pass, when the question being called for, it was rejected, although by a smaller majority than on the preceding division, the numbers being 180 to 158. Colonel Barré then moved, in the terms of the original order of the House, "That Lord Cornwallis be called in, and examined respecting the subject matter of the papers referred to said committee." This motion was negatived without a division. And thus the enquiry seemed to have been laid to sleep for ever. The committee was not, however, dissolved.

May 3.

COLONEL Barré again introduced the business by a recital of the transactions which had passed in the committee, and a renewal of the motion for the examination of Lord Cornwallis. Mr. Dunning seconded the motion, which was supported by Mr. T. Townshend, Mr. Fox, General Burgoyne, and Sir William Howe, and opposed by Lord North, Lord George Germain and Mr. Rigby. Earl Nugent opposed the motion, principally on the ground, that matters of great consequence were yet to be brought into parliament; that the attention of ministers would be drawn not only from them, by distracting it with such a variety of objects, but that the very being and preservation of the nation, from the hostile attacks of a powerful foreign foe, must be neglected, while the whole time of ministers was spent in that House upon a fruitless enquiry.

Mr. Fox answered that part of the noble lord's speech, which rested the impropriety of the present enquiry upon the supposed interruption it would give his majesty's confidential

servants, in planning and executing measures for the good of their country. He believed that the noble lord, and every other person in that House who had the honour or interest of his country at heart, were perfectly convinced, that they had very strong and cogent reasons to lament that the present ministers had ever planned or ever executed. It would have been a most fortunate circumstance for the nation, if the noble lord in the blue ribbon, and the noble American secretary near him, had been in the situation supposed by an honourable friend; if they had been asleep in that House or out of it, the day that one or both of them planned this accursed American war; if they had been embarrassed with debates in that House, while they were deliberating upon measures of ruin, folly, and national disgrace. He believed in his conscience, that it would have been happy for their country if they had never been born. But, surely, the noble lord is not serious in the motives he has assigned for putting a stop to the present enquiry? Does his lordship pretend to believe or foretel, should the present enquiry go on, that ministers will be less indolent, less incapable, or regardless of the public concerns? His lordship is better informed; experience has long since convinced him of the contrary. He secretly smiles, when he talks in this strain. The reasoning built on such a supposition, is indeed highly laughable, and can make no impression on those who see the noble lord rise in that House and gravely urge such an argument, but sentiments of mirth and good humour; for instead of being in town, when effective measures, directed to vigorous exertions, and a proper employment of our national strength and resources, ought steadily to engage their attention, the two noble lords and the rest of their brethren in the cabinet will fly from the fatigues of office; they will be amusing themselves at their country-seats, for weeks, perhaps months together; and the great business of the nation will be left to the care of a few clerks in office; or if they should in their respective retreats turn their attention at all to public affairs, it will be only to devise means, not for the defeat of their enemies, but to defeat enquiries into their blunders, incapacity, and neglect in parliament. The last summer in particular, when the very fate of this country was at stake, when we were threatened with an invasion, he was well informed, that for weeks together, there was not a single cabinet minister so near town as fifty miles: but if they had been nearer, was it not preposterous to suppose that persons who were to consult, deliberate, and determine by common consent only, could consult, deliberate, and advise their sovereign, when they were thus separate? If any man could suppose, that any good could proceed from

such counsels, he pitied him, if he was sincere; if not, he would forbear to give his opinion of the principles of such a man.

He then stated the necessity there was for going into an enquiry. The noble lord in the blue ribbon had repeatedly staked himself to that House on the issue of the American war. He had called for a large fleet and numerous army; they were granted; but America was lost, 25,000 lives had been thrown away, and upwards of 30 millions had been expended. But to come directly to a later period, the noble lord at the head of the American department, when he came into office, had specially pledged himself to that House, not merely to a general promise of success, but afterwards, in different stages of the business, had pointed out the means. Such an army under Sir William Howe; such an army under General Burgoyne, from Canada, to co-operate with the grand army; the people in the colonies were loyally disposed; Washington could not recruit; he had offered 30*l.* a man, but could procure none to enlist, even upon such exorbitant terms. Sir Guy Carleton would have a force under his command sufficient to protect and defend the province of Quebec; and afterwards the expedition down the North River would consist of a chosen corps of veterans of 12,000 effective men; besides the great advantages which would be derived from the assistance and friendship of the Indians in the neighbourhood of his intended route. When questioned upon the great line of public measures, (having declared his intention to breathe a different spirit into those which prevailed when he was called into his majesty's councils,) what force he meant to employ? his answer was, "Whatever force the general thinks may be adequate." After the first campaign, when asked what appearances of success there were? his lordship answered, "every appearance of a successful and decisive campaign." Now, if neither the force was adequate, and his lordship knew that he could not expect a successful campaign, it would follow, that he not only deceived the general, and concealed his sentiments, but by so doing, he acted a most criminal part, and was responsible to the House and the nation, for all the blood and treasure we had thrown away. What was one of the objects of this enquiry? To hear the evidence of men on the spot, in high command; to shew in the first instance that the general was not culpable, because his force was not adequate, and that the noble lord had deceived the House, because when he told them that he had every prospect of a successful campaign, he had a letter in his pocket from the general, telling him, "that no successful campaign, nor any end to the war, could be expected, unless the noble lord sent

out a very considerable reinforcement to his assistance;" which reinforcement, at the time he promised a successful and decisive campaign, he was pre-determined not to send. The evidence contained in the papers went directly to those facts. The noble lord's correspondence shewed that he entertained opinions diametrically opposite to those stated in the general's letter. How, then, was it possible to come at the truth without examining those who were in high command, and were present on the spot? The testimony of Lord Cornwallis was necessary to prove the truth or fallacy of those contradictory assertions. That noble lord could describe the country, together with the obstructions and difficulties the commander-in-chief had to contend with. In fact, he and his brother officers, so far as their testimony applied to the force requisite to insure a successful campaign, were competent, and the only proper evidence to determine the opinion of the House on the measures of ministers, and the means they furnished for carrying them into execution, and of the possibility or impossibility of executing them.

The motion was carried without a division.

May 13.

From the unexpected latitude which the examination of witnesses, in the Committee on the Conduct of the American War, had assumed, the ministry found themselves under the necessity of appealing to counter-evidence to disprove some of the statements. Accordingly, Mr. De Grey moved for a summons directing the attendance of ten witnesses, which occasioned violent exclamations on the part of Opposition. Mr. Burke decried the proceeding as irregular and unfair; ministers, he said, affected to applaud the military conduct of Sir William Howe, and now, by a side-wind, in a late stage of the examination, endeavoured to invalidate and defeat evidence which they could not pretend to disbelieve. Against this mode of argument, the former declarations of the same party were successfully urged; they had begged only for inquiry; if the inquiry proved merely ex parte, that would be the fault of administration; they might call evidence in their own defence, if they deemed it necessary; but now, these improper objections were raised. Lord George Germain declared he had no disposition to accuse General Howe; he principally desired evidence to disprove the statement, that America was almost unanimous in resisting the claims of Great Britain.

Mr. Fox expressed his surprise, that his honourable friend near him, (Mr. Burke,) could waste a single moment upon a matter, which, to say the worst of it, could only be considered as a mere informality in the mode of proceeding. Let the

enquiry, in God's name, proceed. Let the most ample information be received from every quarter, and through every channel. Let every man of every description, who was in a situation either in America or Europe, which gave him an opportunity of knowing any thing relative to the subject-matter of the papers on the table, be called upon to give his testimony at that bar. If he knows a fact, let him relate it; if he has an opinion, let him give it. What shape does the whole subject, taken in a fair and impartial view, present itself in? We have lost America. We have lost 25,000 men. We have spent upwards of 30 millions by this accursed American war. Who has been the cause of its miscarriage? Is not that the question? Who led us into this war? *Ministers.* What were our motives for entering into and prosecuting it hitherto? The repeated assurances of ministers, that the war was practicable; that the means for insuring success were adequate; that the issue would be correspondent.

When called upon, what do ministers urge in their justification? The war was practicable; the means you gave us were adequate to the attainment of the given object. The war, had the plans been as well executed as they were wisely conceived, would, nay, must have been crowned with success. We have kept our faith with parliament, so far as it depended upon our own exertions; and if the war miscarried, it has not been our fault. Still more; what was the conduct of the noble lord at the head of the American department, the last day this business was agitated in this House? Did not the noble lord, instead of defending his own conduct, accuse the commander-in-chief with special acts of misconduct and neglect? Did not he charge him with wasting his time to no purpose in the Jerseys, and with going round by Chesapeak instead of going up the Delaware; and conclude that from the delay occasioned by these measures, the advantages which might be derived from the campaign of 1777 were lost, and our victories rendered of no avail; in short, that we commenced the campaign in Pennsylvania, when we should have been thinking almost of providing winter quarters? What, on the other hand, has been the answer of the honourable commander? I could not have proceeded up the Delaware. I was compelled to go by Chesapeak. I could not have forced the enemy at Quibble Town, without suffering a great and a certain loss, and running infinite hazard. Why so? Because my force was inadequate. I told the noble lord frequently, that it was inadequate, and for that reason, that no decisive campaign could be expected.

What is the language of the noble lord? You say you want

a reinforcement of 15 or 20,000 men; but I know you must be mistaken: you want no such force. I have better information than you. You can recruit your army in Pennsylvania. You might have sent a stronger detachment to the Highlands, or have carried on your operations by the North River. You lost a month from your retreat from Quibble Town, till you embarked at Staten Island; and you lost another month by your going by sea, or at least going round by Chesapeak, instead of debarking at Newcastle or higher up the Delaware.

What, then, is the object of the present motion? to bring witnesses to your bar. And for what purpose? to prove that the noble lord, the American secretary, was right — to prove that the honourable commander and the noble lord the admiral were mistaken. The motion is therefore, in my opinion, extremely proper, for several reasons. It will amount to a fair issue, and the examination of the witnesses intended to be moved for, will form one part of the evidence. I must confess that, till the noble secretary stood forth, our proceedings bore rather an aukward appearance. It was a committee moved for by two respectable members of this House, concerning their military conduct in high situations of command; they called and examined several witnesses to several material parts of their conduct. But still something was wanting. Ministers gave high testimonies in their favour. No man accused the noble admiral and honourable general; or if there was any thing which could be fairly interpreted into an accusation, the fact or facts were not specified. It amounted to no more than loose desultory conversations. The noble secretary hitherto remained silent. His lordship, however, at length adopted a much more manly part; when he found that the House had determined to proceed, he boldly stood forth as an accuser in the manner I have just been describing. One thing more only remained to be done, that was an avowal on his part, of his intention to prove as well as accuse. His honourable friend has, with his permission, taken the first introductory step in this business; he has moved for the attendance of General Robertson, for the purpose of examining him touching military matters; adding, that he means to move for the attendance of several others in the military and civil line. I like this for my part, because it looks as if the noble lord was in earnest; that he was determined to throw himself upon the opinion of the House, and not trust to a corrupt majority in his favour, and to screen himself by means so dishonourable and disgraceful.

We ought not to prejudge the noble lord, the honourable commander, the noble admiral, nor administration. We

cannot without manifest injustice, without betraying the honour of parliament, and sacrificing the dearest interests of this country, judge till we hear all parties; nor then, unless we resolve with one intention to judge without prejudice or partiality. As matters now stand, it will, in point of form, be necessary to allow, that the claims of this country over the colonies were well founded; that the measure of coercion was a wise one; that it was practicable in the execution, and that the means were adequate. I know, however, that America is lost, and the nation apparently on the eve of destruction; but as to the cause of our disasters, I shall suspend all opinion till I hear the evidence on both sides; then and then only will it be competent for me to decide, and draw a fair line between accusation and recrimination.

The motion was agreed to.

May 18.

The evidence on the part of Lord and Sir William Howe being closed, Mr. Eden gave notice that he would proceed to examine the witnesses that had been moved for by Mr. De Grey, when the committee should next meet. General Burgoyne said, he was not prepared to proceed in the enquiry relative to the northern expedition, not having any expectation that the evidence of the honourable general and noble lord would have been so suddenly closed. Mr. Eden moved, that the committee be adjourned to the 20th. Earl Nugent condemned the whole enquiry from the beginning to the end, and moved that the chairman do leave the chair. General Burgoyne appealed to the justice of the House, whether, after the frequent calumnies, specific charges, and criminal accusations made against him, it would be proper to put an end to the committee? Mr. Rigby rose up in great heat, and after giving his reasons why he thought the committee ought to be dissolved, the conduct of the noble and honourable commanders having, in his opinion, been perfectly cleared to the satisfaction of the House, launched forth into criminatory expressions of the military conduct of General Burgoyne.

Mr. Fox rose, and most earnestly implored the justice of the House in favour of the honourable general. The first point to be considered was, can the honourable general be tried by a court-martial, situated as he is in respect of the Congress? Or, if he cannot, will it be proper to enquire into his conduct in this House till he is released from his present engagement to the Congress? In his opinion, we could send him to a court-martial by making a suitable return in either number and quality; that we most clearly could proceed against, try, and punish him, for state or criminal

offences; and even if we could not, that the enquiry ought to go on; and if further proceedings relative to the honourable general should be thought necessary, they might be suspended, till the only impediment, real or pretended, which at present stood in the way, should be removed.

He had heard no one sound reason yet urged to shew, that the honourable commander might not be tried this instant. He knew no law which exempted an officer from a military tribunal. The right honourable gentleman had charged him with offences of a very criminal nature indeed: with disgracing the arms of his country, with rendering into the hands of its enemy, a whole army. He would just make one supposition more, equally well founded, he was inclined to believe, with any of those he had enumerated. He would suppose, that to the other imputed disgraceful offences, the honourable commander had been charged with treachery, what would be the effect of the right honourable gentleman's doctrine? That after betraying his country, he might return to it when he pleased with impunity; and it would nevertheless be in the power of those to whom he betrayed it, to protect him by refusing to release or exchange him. This case, which as to the fact of treachery, had often happened before, and might again, plainly pointed out the absurdity of contending that a military man, as soon as he becomes a prisoner, is no longer a member of the community, owes it no allegiance, and stands exempt from every species of punishment, be his crimes ever so base or atrocious, if the party to whom he has surrendered himself a prisoner, thinks proper to protect him in his infamy and guilt.

But, says the right honourable gentleman, on the second head, that of civil enquiry and subsequent punishment, What signifies expelling him? what signifies addressing the crown to dismiss him from his post and command in the army? Such punishments are by no means adequate to the magnitude of his crimes, should the charges be made good; and as to an impeachment, what an idle farce it would be to impeach a man, when you cannot punish him! Here the right honourable gentleman was, indeed, extremely unfortunate and hard set to keep up even the colour of an argument; expulsion is nothing; dismissing him from his station in the army is nothing; an impeachment, he confesses, would be something, if the hands of justice were not tied. You may impeach perhaps, but you cannot punish.

Here, then, were a string of assertions, equally contradictory to the feelings and judgment of mankind. Who but the right honourable gentleman would gravely assert, that expulsion was no punishment, or depriving an officer of the

fruits of four or five and thirty years service, the rank of lieutenant-general in the army and a regiment of cavalry, attended with circumstances of disgrace, were no punishment? Or, how was it possible to conceive that the same power which could impeach could not punish? On the contrary, was it not self-evident to the most moderate capacity, that at this instant the honourable general was amenable to the laws of his country, and was as liable to be tried and punished for a breach of them as any other man in this kingdom? It was, indeed, a most extraordinary argument, that the worst or most vicious man, as soon as by management or treachery he became a prisoner, had no more to do than instantly to return to his own country and commit every crime the most corrupt heart might suggest, and yet evade the punishment annexed to the commission of such horrid offences.

He was ashamed to spend a moment of his time, or that of the House, in refuting such palpable absurdities. If the honourable general was amenable to inferior tribunals, he was of course amenable to the first tribunal of criminal justice in the kingdom, that of parliament, where he was liable to be tried on an impeachment preferred by one House to be heard and decided upon by the other, or by a bill of pains and penalties; so that either principle was equally fallacious and ill founded. He might be tried for treachery or disobedience of orders by a military tribunal; he might be expelled; he might be dismissed. He might be tried in a court of criminal justice for offences properly and solely cognizable there; or, he might be tried and punished by parliament.

The right honourable gentleman, with that confidence and authority in which he usually delivers his opinions, says, the honourable general sits and votes in that House at the will and by the permission of a rebel Congress; but, as in all the foregoing instances, he has forgot to adduce a syllable of proof in support of his assertion. What book is it on the credit of which he hazards such an opinion? Is it on the authority of any great writer on the law of nations? He was certain not. On the contrary, it was well known, that a noble lord (Frederick Cavendish) who was made prisoner at St. Cas, on the coast of France, during the late war, having entertained some doubts whether, being on his parole in England, he was, as a prisoner, at liberty to attend his duty in parliament, and having communicated his doubts on the subject to the court of France, the answer he received was, that sitting and voting in parliament would be no more a breach of his parole, than getting his wife with child.

He then proceeded to the last point, that of going on with the enquiry, on the supposition that the honourable general

could not be punished till released from the convention of Saratoga, and suspending any further proceeding till that event should take place. This, though an unnecessary condition, if there should appear any thing even doubtful, would answer every end. If the honourable general's conduct should call for a military tribunal, a very few weeks (perhaps at this very instant he stood disengaged to the Congress) would subject him to an enquiry; or, on the other hand, if in the opinion of the House, it should be found that no blame was imputable to him, but that the miscarriage of the expedition from Canada was owing to the ignorance and incapacity of the ministers who planned it, and not to the general intrusted with its execution, then it would be proper that the justice of the nation should take place, and those men who had been the cause of the loss of America, of so much blood and treasure, a foreign war with a powerful enemy, and a threatened war with another powerful enemy, be brought to condign punishment.

He allowed, it would be rather premature to give an opinion one way or the other: but if ministers persisted, and by their irresistible influence and power of numbers should carry the question against any farther enquiry, it would be to him the fullest demonstration, that they were conscious of their own guilt, and on that account, and that alone, fled from the enquiry.

The noble lord who moved the present question, moved it for the third time. The noble lord in the blue ribbon, more reserved, but equally desirous to prevent it, refused to cooperate, but took care as effectually to defeat the proper object of the enquiry as if he had moved for its dissolution. When the motion for resuming the same question was moved by his honourable friend near him (Colonel Barré) the same noble lord moved the order of the day, and was openly abetted by the noble lord in the blue ribbon. The right honourable gentleman below him, who this day took such different ground, differed from his friends, and the two noble lords were obliged to submit; now for the third time, the same noble lord had made a similar attempt, and the noble lord in the blue ribbon affects a kind of sullen silence or indifference; but whether the noble lord shall rise or not, the principle and object of these various attempts have been uniform, — that of defeating the enquiry, and thereby evading the justice of the nation.

He conjured the House, as they regarded their own honour, their character without doors, and the opinions of mankind, at least to preserve appearances. If, at all events and hazards to themselves and the public, they were determined

to support the present set of ministers in power, he recommended them to do so by a vote of acquittal after enquiry; and not, by a servile acquiescence, sacrifice the very appearance of justice, and the forms of their proceedings.

Before he sat down, he begged that the right honourable gentleman who took so conspicuous a part in the present debate (Mr. Rigby,) would reflect a little, and endeavour to reconcile his present conduct to that adopted by him the last day the question was discussed; otherwise it would have a very strange appearance, to be for suppressing an enquiry, the necessity of which he had so warmly urged but a few days since; nay, indeed, it would be little short of a direct desertion of all his former principles and professions, respecting the conduct of the American war, for the last eighteen months or two years; for as often as the question was agitated, his constant language was, that there was blame somewhere; and that it was of course highly becoming that House, and an indispensable duty to trace it to its source, and discover who were the authors of our national misfortunes.

After a long debate, Earl Nugent's motion was negatived, and Mr. Eden's agreed to.

MOTION RESPECTING PEACE WITH AMERICA.

June 11.

SIR William Meredith moved, "That an humble address be presented to his majesty, to assure him, that his faithful Commons, knowing that it must give his benevolent and royal mind the highest satisfaction possible, to remove the calamities of war from his colonies, and the burdens of sustaining that war from his British subjects, beg leave to express to his majesty their great concern, that the commission which was issued by his majesty, with the authority of parliament, for the wise and salutary ends of accommodating our unhappy disputes with America, has failed of success: — that there is no example of any nation that ever sent fleets and armies of such strength and magnitude on so remote a service as those which Great Britain has poured into America; yet they are not found upon trial to be adequate to the purpose of establishing a government by force over that country. That looking to the situation of affairs in Europe, we cannot but apprehend, that our resources may become altogether necessary to repel the hostile designs, and the armaments prepared against this kingdom; confident, however, that the hearts of his people are animated by

a true spirit and zeal for his majesty's service; and that means will not be wanting to defend his sacred person, his family, and his dominions, against all hostilities.—That in this situation of affairs, we most sincerely lament that the commission for restoring peace (which was in force till the 1st of June only) has expired, without any declared or apparent intention of opening a door to reconcilement.—That his faithful Commons think it their indispensable duty most humbly to implore his majesty to direct those confidential servants, on whose advice his majesty relies in matters of the greatest importance, that they do immediately deliberate upon, and concert such measures as may prepare the way for peace with America." Mr. David Hartley seconded the motion. Lord North, Governor Johnstone, Mr. Eden, Lord George Germain, and Mr. Dundas opposed, and Mr. Fox and Mr. Burke supported it.

Mr. Fox recapitulated the several measures taken against America since the commencement of hostilities. He condemned the coercive laws passed by Great Britain in the hour of her insolence; and the tame submission with which the right of taxation, and even the Act of Navigation, was given up by the same ministers, who with a handful of men had talked of bringing America upon her knees. He then took notice of General Robertson's evidence before the committee of enquiry into the conduct of the American war, and said, if it were to be credited, it was the severest libel on administration that ever was made public, seeing that it loaded them with the whole guilt of having continued a most expensive war with America, when they might whenever they pleased have put an end to it. For, what had General Robertson said? That the majority of the people of America wished well to this country, and longed to return to their allegiance. If this were true, the guilt was transferred from the shoulders of the officers who had been employed, to the shoulders of ministry, and they were answerable to their country for not having taken advantage of the circumstance. He, however, was one who did not credit the evidence of General Robertson; he believed him to be a man of integrity and honour, as well as a brave and judicious officer; but the reason why he did not credit his evidence was, because the general had told the House, in the very beginning of his examination, that he spoke not from his own knowledge of facts as they now were, but from his knowledge of the sentiments of America twenty years before the war commenced, and he thence inferred that the same sentiments prevailed now. In proof of this assertion, he read a few of the questions which had been put to the general, together with the general's answers, and said, that his evidence, consequently, was of little import. The better to bring this

home to the minds of his hearers, Mr. Fox parodied the case by putting it thus: suppose he had withdrawn from parliament soon after the beginning of the war, and had been out of the kingdom ever since; if a person was to ask him, what were the sentiments of parliament respecting America, and whether he thought they would give up taxation, and agree to any concession on the part of England? he should certainly have replied, "No, by no means; the British parliament will never make peace with America till she is at their feet; they will never give up the right of taxation; they will listen to nothing short of unconditional submission." Let gentlemen see how ill this argument would agree with truth, and how opposite it would be to the real state of the case. And yet, who that had given the minister credit for his assertions in that House four years ago, would not have thought himself warranted to talk in that style? He, therefore, for one, had paid no attention to General Robertson's evidence, because after what he heard the general say in the beginning of it, he was convinced it could not be relied on.

Having argued this point, he recurred to the testimony of General Gray, which he said was every way worthy of credit, and plainly shewed that the ministry were to blame, because they had continued from time to time to send over reinforcements short of the amount which the officers employed to carry on the war had declared to be absolutely necessary to make a campaign decisively successful. He ridiculed the language that had been held to invalidate General Gray's evidence, and particularly the argument of one of the commissioners, who had declared that General Gray, having been but seventeen months in America, was incompetent to judge of the sentiments of the people, and of the real state of affairs there. He said, he thought the general, after seventeen months actual service in America, was at least as capable of judging of the sentiments of the people, as any of the commissioners, who were there but for four, or at most six months, and confined during that time to the two cities of New York and Philadelphia.

From this he proceeded to review the terms offered by the commissioners, and reprehended them in the severest language, as such as went to sacrifice the rights of the British legislature, and to offer propositions which parliament had neither authorized, nor was likely, even had they been accepted, to ratify. In particular, he objected to the offer, that agents from the respective colonies should have a seat in the British parliament, and the offer to pay the debts of America, contracted by an offensive war against this country. With regard to the latter, the minister who either suggested

or meant to ratify such a proposition, deserved impeachment; and as to the former, it was the most degrading and unnecessary proposition that ever he heard; unnecessary, because among the catalogue of boundless concessions made by the commissioners to the Congress, we had expressly given up all right of legislation over America; and degrading, because having given up that right, we meanly courted the agents of America to become a part of the legislature of this country. He defended the conduct of Congress in having made the reply that they sent to the commissioners, by observing, that they were then in actual alliance with France, in consequence of which the King of France had sent them a fleet and an army, and furnished them with money to carry on the war. Let gentlemen consider that the terms offered by the commissioners were not definitive propositions, but mere terms of treaty; terms of discussion, and terms *ad referendum*, which had the Congress been weak enough to accede to, might not have been ratified; exclusive, therefore, of betraying the rights of their constituents, which they would have done had they agreed to the terms offered by the commissioners, after having engaged in a treaty with France, it would have been the extreme of folly to have taken themselves out of the arms of France, to have given up the advantages they actually possessed, and to have trusted to the faith of ministers, notorious for having dealt treacherously with them, and deceitfully with the British nation. Added to this, the preliminary proposals of Congress were neither, in his judgment, improper for them to lay down, nor for Great Britain to listen to. Perhaps many good reasons might be urged, why we ought not expressly to acknowledge the independency of America. But as one member of parliament, he was very far from being averse to the other proposition, namely, that of withdrawing our fleets and armies from America. So far from it, he thought that measure the wisest that could be adopted, and the sooner it was adopted the better: so fully convinced was he of this, that he was ready to intreat ministers to come into it, and even to beg it of them as a boon. As a proof that such a measure was really necessary, he referred to the evidence that had been given at the bar by several of the witnesses who had been heard in the course of the enquiry, which amounted to an express declaration, that it was impossible to subdue America, or reduce her to allegiance by force of arms. To what end, then, should we continue our chief military force across the Atlantic when it was so much wanted at home?

He took a review of our plan of operations during the last war, and remarked, that it had been pretty generally the language of that day, that our continental connections were ex-

ceedingly expensive and improper. It was very true, that our army in Germany was a considerable call upon the resources of this country; it drained us severely both of men and of money; but then it was to be remembered, that it rendered it necessary for France to have a large army there likewise, and that it kept those troops of France engaged in Germany which might have annoyed us elsewhere, and in places where, if they met with any success, the consequence would have been much more fatal to Great Britain. At present we had a large army in America, and the French had no army there. The British troops were incapable of acting offensively, and in fact were in a state of inactivity: in that state they were likely to remain. Upon this ground he argued, that it was madness to suffer the troops to continue any longer at New York; he therefore wished to make peace with America on almost any terms, and to carry on the war against France with all the vigour, and all the exertion possible. If France offered advantageous proposals of peace, certainly it was the duty of administration to accede to them, because, as the resources of this country now stood, exhausted as we were by the long and ruinous war in which we had been involved, a peace, on proper terms, was certainly a very desirable object; but ministry ought never to make peace with France, either upon the condition of ratifying her treaty with America, suffering her to continue her connections with the United States, or giving up any part of the British dominions.

He contended, that as the late commissioners held out terms and conditions to all America, the public faith was pledged for giving America the same terms whenever she chose to accept them, notwithstanding what the noble lord, the American secretary, had on a former occasion thought proper to say upon the subject. He also contended, that the faith of this country was pledged to protect all those, whether bodies of men or individuals, who had come in under the commission, and returned to their allegiance. He said, if there was but one man of this description, we were bound in honour and in justice to make good the conditions to that individual: that the commission having expired on the 1st of June, it was indispensably necessary to give his majesty parliamentary authority to make peace, — an authority which did not exist, and without which it was dangerous to trust to the hazard of a whole summer's passing. In speaking to the design of repealing the prohibitory act, he declared it to be the most obnoxious of any that had been passed against America, and that it ought to be repealed. He read extracts from the letters sent by the noble lord at the head of the American department, in which the writer had recommended

it to Sir William Howe and the noble lord his brother, to prepare to carry on the war in such a sort, as should convince America of the determined purpose of this country to prosecute it with unremitting severity. Upon these passages Mr. Fox commented, and declared, that the plain meaning of them was, to prosecute the war in as sanguinary a manner as possible. He said, he understood that the war was carrying on in that manner at this time; he did not mean, however, by a general and loose assertion to criminate ministry farther than they deserved, he would therefore state to what he alluded: it was this; that the southern Indians had been excited to rise and attack the back settlements of Virginia and Carolina. He did not mention this as a fact, he really did not know whether it was so or not, but such was the report, which he hoped to God was ill-founded; he had much rather that Mr. Stuart should have put the many thousands which he had drawn upon the treasury for, into his own pocket, than employed the public money in such a way; he had rather he had made a job of it, and hoped he should see him soon return to this country to live at his ease and in splendour upon the money he had so pocketed, and he wished so for this reason; it was evident, that the Indians could hardly be restrained from acts of the most horrid cruelty, even when they were under the awe of so large an army as that commanded by General Burgoyne, an officer as distinguished for his humanity as his bravery; to what extent, then, might they not carry their barbarities, when they were unaccompanied by any army, and strangers to every idea of discipline? The savage massacre of aged and defenceless men, women, and children, would be unlimited; the very conjecture of it was shocking. He was free to allow, that Indians might be employed in the service to advantage, but then it must be when they had an army to direct and regulate their efforts. Having spoken to a variety of other points, Mr. Fox concluded with declaring, that he thought the motion made by his right honourable friend every way laudable, and should therefore give it his hearty support.

The motion was negatived without a division.

Bill for doubling the Militia.

June 21.

THE first and great measure of national defence, adopted by the ministry, in opposition to the consequences of that dangerous combination, now first openly avowed by the Court of Spain, was a proposal in the House of Commons for increasing the militia to such a degree as should double its present amount. Lord North having this day moved for leave to bring in the bill,

Mr. Fox contended, that as the motion made by the noble lord was an alarm to the whole kingdom, and an acknowledgment that parliament thought the country in the extreme moment of peril, it would be idle to adopt the measure unless it was known that the proper exertions of another nature had been previously made, and that doubling the militia was not the single point on which his majesty's ministers rested the security of the country. He then discussed the situation of our naval strength, mentioning the force of France and Spain, and the force that we now had, as well the squadron sent out under sir Charles Hardy, as the ships of the line at home and elsewhere, and asked if preparations were carrying on with the necessary vigour and dispatch to reinforce Sir Charles, declaring that much depended on the ability of that fleet to cope with the fleets of the House of Bourbon, and that every ship-carpenter, every labourer in the dock-yards, every man in the kingdom, capable of holding an adze or driving a peg, ought to be employed in fitting out those five or six ships, which he understood to be nearly ready, and which were designed to be sent to Sir Charles.

He said, with regard to the proposition of doubling the militia, it certainly might be one of the means that ought in the present exigency of affairs to be adopted; he believed, however, that it was a measure liable to some objection, and not so practicable as the noble lord in the blue ribbon seemed to imagine; men might possibly be got, but it might not be an easy matter to find officers; he did not mean, by saying this, to throw impediments in its way; he should not oppose the motion himself, nor any motion calculated in any manner whatever to strengthen and add to the defence of the kingdom. God knew this was a moment of great public danger, and every means of every sort which were in the least likely to enable us to resist our enemies, were proper to be adopted, and should have his hearty support.

With regard to the militia, many considerations respecting them might occur in the course of the progress of the bill. It

might be a question, whether in a time of so pressing and critical a nature as the present, it would not be right to give the King a power of sending a part of the militia over to Ireland, to defend that country. As affairs now stood, it was to many gentlemen a matter of expectation, that the French would attack us in that quarter. Was Ireland in a proper state of defence? Ireland and England he considered as one and the same. Their interests were, or ought to be, mutual, and the defence of the one was as worthy the consideration of parliament, as the defence of the other. He called upon ministers to know why, as they could not but have foreseen the present danger, they had put off the defence of the kingdom to the last moment? Why, if the measure the noble lord had now proposed, appeared to them, upon due deliberation, to be so proper and so necessary, they had not come with it to parliament sooner? It would have been idle to have argued, that it would have given the kingdom any unnecessary alarm. It could never be wrong to throw out an alarm in time, because, however for the moment it might operate as a shock on the people, their panic would be less when the danger really came, and when the enemy were at their doors, they would be better prepared to resist and repel them.

He said, he would not, in a moment like the present, mention names, or go into personal attack upon the ministers; but could they tell the people that the fleets and armies, upon the effectual operations of which the preservation of the country depended, were in the hands of the best and ablest officers? Was or was not every officer, to whom the people had been accustomed to look up to with a perfect confidence, driven from the service? Were they all in employment, and cheerfully acting as they ought to be in the service of their country? After a variety of questions of this sort, Mr. Fox declared, that while the present ministry kept their offices, the people would despond, and despair of any success in the very important war that was impending: for what good could they expect from the conduct of those very men whose measures had already lost us America, and incited France and Spain to pursue those hostile steps that they were now taking against us? He complained of the state of the navy as scandalously unequal to the present exigency of affairs, after the immense sums that had been voted for it, and the repeated assertions that it should be superior to the united fleets of France and Spain, and urged a great many strong arguments in proof that the ministry ought not to be trusted any longer.

The bill was brought in and read a first time.

June 22.

On the motion for the second reading of the bill, a debate arose. In consequence of the support given to the measure by the Opposition on the preceding evening, Earl Nugent took occasion to say, that though we had no foreign ally, we had the best of all allies, unanimity at home. We were allied among ourselves. The alliance lately entered into by the gentlemen on the other side of the House, and those on which he stood, did the former the highest honour. After urging the necessity of great exertions, his lordship was proceeding to state some plan of operations for the navy, when the Attorney-general begged to prevent the noble lord's zeal from carrying him too far, by moving that the question might be read. He said, gentlemen would certainly act laudably, in suggesting any scheme of defence of the kingdom that had reference to the question; but on that day it would be improper to go into other topics of deliberation; and perhaps to go into such a detail as the noble lord was proceeding to enter upon, might be dangerous.

Mr. Fox said, he had no intention to rise that day; but what he had lately heard from the noble lord, and the learned gentleman over the way, rendered it highly necessary that he should say a few words; and first, he would pay his respects to the learned gentleman, who had not only interrupted the noble lord in the midst of his speech, but had declared, that on a day like the present, when that House was considering the best means of defending the kingdom from the imminent peril in which it stood, gentlemen were not to deliberate and weigh every circumstance, not only of the danger itself, but every circumstance in the scope of possibility and human prudence, at all likely to avert that danger. This doctrine he thought had been lately exploded, and he little expected to have heard parliament told, (on a day like that, when, if they were not actually sitting in a committee of supply, they were sitting in a something very like a committee of supply, because they were debating a proposition which, however effectual it might prove, and however practicable it might turn out, would, certainly and at all events, be a great national burthen, as well in point of inconvenience as in point of expence,) "that they were to confine themselves to the question, and that the question was merely whether the bill upon the table should be read a second time or not." In a moment like the present, every thing which every man could suggest for the better defence of the kingdom was worth listening to; the country stood in need of all its resources, and all its wisdom; and however the learned gentleman might wish to screen the guilt of his friends, and therefore might think

proper to interrupt the noble lord when he was speaking plain truths, gentlemen would not be thus rendered dumb, opinions he trusted would be freely given; and as the present administration were the immediate cause of all our misfortunes, he hoped no gentleman would keep back his sentiments respecting their conduct.

Having said thus much, he would now speak to that point which principally occasioned his rising that day, and that was, his finding, from what the noble lord had said, that his having voted the preceding evening in favour of the bill had been much misunderstood. He had been far from meaning to have it conceived that he thought, and far indeed from conceiving himself, that the mode of raising the force of the country, held out and proposed by the bill, was preferable to that of raising regiments agreeably to the handsome offers of noblemen and others, which had been made to government. He had not said a syllable which led to such an idea, and the reason why he had not, was, because he entertained no such opinion. The offers that had been made by the Duke of Rutland, the Earl of Derby, the Earl of Harrington, and others, were so liberal, and upon such advantageous terms to the public, that it was impossible to impute the refusal of them on the part of government to any thing else than the remains of that miserable partiality to the Scotch which had so long disgraced this country. Last year, when Scotch noblemen offered to raise regiments, the offers were greedily accepted, and warmly encouraged; the public were even put to the expence of levy money on the occasion. The conduct of government had been very different now: there was a motive, indeed, to which he could impute their refusal in one instance, and that was, the finger of persecution was pointed at one of the noble lords who was among those that made the offer. That persecution was aimed at his whole family, and had been instanced on more than one occasion. The House pretty generally calling upon Mr. Fox to name the person alluded to; he said he would speak out, he alluded to the Earl of Derby, who, on account of his unfortunate family connection,—unfortunate merely in that point of view, but highly honourable in itself, because every man in the kingdom would have been happy to have been allied to General Burgoyne,—was proscribed and was never to be forgiven: by never to be forgiven he meant, as long as the present administration had any power. To shew that he was warranted in asserting that the present ministry were determined to persecute the noble earl and his family, he mentioned their having three separate times refused the noble earl's brother the lieutenant-colonelcy of the Liverpool regiment: a situation and a sort of rank which he had a

right to expect, especially in the last instance that occurred of a vacancy, because he was then the oldest major in the corps. How different was the conduct of ministers respecting the Scotch new raised regiments! The Scotch lords who raised them were suffered to appoint their own officers, and the ministers never once interfered in the appointments. He said it was this sort of treatment of noblemen and gentlemen of the most respectable characters, that gave such disgust, and made the noble lord in the blue ribbon so odious in the eyes of the nation.

He declared, that neither now, nor before, was he inclined to give the preference to the mode of raising the militia as offered by the bill then under consideration: but there was a point of infinitely more consequence, a point the noble lord who spoke a short time since, had grossly mis-stated, to which it was highly necessary that he should give the most flat and peremptory denial. The noble lord, after owning that we had no foreign alliances, had triumphantly spoken of unanimity, and congratulated gentlemen on that side of the House, upon having allied themselves with those who sat on the other. This was an assertion for which there was not the smallest foundation, and it was impossible for him to state, in any phrase that language would admit of, the shock he felt when the noble lord ventured to suggest, what was most exceedingly grating to his ears, and he doubted not to those of every gentleman who sat near him. What! enter into an alliance with those very ministers who had betrayed their country; who had prostituted the public strength, who had prostituted the public wealth, who had prostituted what was still more valuable, the glory of the nation! The idea was too monstrous to be admitted for a moment. Gentlemen must have forgone their principles, and have given up their honour, before they could have approached the threshold of an alliance so abominable, so scandalous, and so disgraceful! Did the noble lord think it possible that he could ally himself with those ministers who had led us on from one degree of wretchedness to another, till at length they had brought us to the extreme moment of peril, the extreme verge of destruction? ally himself with those ministers who had lost America, ruined Ireland, thrown Scotland into tumult, and put the very existence of Great Britain to the hazard! ally himself with those ministers who had, as they now confessed, foreseen the Spanish war, the fatal mischief which goaded us to destruction, and yet had from time to time told parliament that a Spanish war was not to be feared! ally himself with those ministers, who, knowing of the prospect of a Spanish war, had taken no sort of pains to prepare for it! ally himself with those ministers who had, when they knew of

a Spanish war, declared in parliament no longer ago than last Tuesday, that it was right for parliament to be prorogued, for that no Spanish war was to be dreaded, and yet had come down two days afterwards with the Spanish rescript! ally himself with those ministers, who knowing of a Spanish war, and knowing that they had not more than thirty sail of the line ready to send out with Sir Charles Hardy, had sent out Admiral Arbuthnot to America with seven sail of the line, and a large body of troops on board! ally himself with those ministers, who knowing of a Spanish war, had suffered seven ships of the line lately to sail to the East Indies, though two or three ships were all that were wanted for that service, and the rest might have staid at home to reinforce the great fleet of England! ally himself with those ministers, who knowing of a Spanish war, and knowing that the united fleets of the house of Bourbon consisted of at least forty, perhaps fifty, and possibly sixty sail of the line, had suffered Sir Charles to sail on Wednesday last, the day before the Spanish rescript was, as they knew, to be delivered, with not thirty sail of the line, although if he had staid a week longer, he might have been reinforced with five or six, or, as ministry themselves said, seven or eight more capital ships! To ally himself with men capable of such conduct, would be to ally himself to disgrace and ruin. He begged therefore for himself and for his friends, to disclaim any such alliance; and he declared he was the rather inclined to disavow such a connection, because from the past conduct of ministers he was warranted to declare and to maintain, that such an alliance would be something worse than an alliance with France and Spain, it would be an alliance with those who pretended to be the friends of Great Britain, but who were in fact and in truth her worst enemies.

Having urged this in a most impassioned tone, Mr. Fox declared, that he should support the present bill, or rather he should not oppose it, because, in the situation that affairs then stood, every measure which tended to call out the strength of the country was proper. He could not however but own, it was a measure of a more spirited nature than he ever thought the present ministry would have proposed, because, after their repeated assertions that the country was in no danger, that Spain meant to stand neuter, and that a war with the united forces of the House of Bourbon was not to be dreaded, he did not think any men had arrived at such an uncommon pitch of assurance, as to have stood up themselves and proposed a measure which gave the lie direct to all they had been saying during the whole session of parliament.

At the same time, however, he declared he should vote for the bill, he meant not to give ministers the least grounds

for supposing that he placed any confidence in them, or had the least hope of success or good to the country from any thing they could possibly do for it. He owned himself to be completely despondent, and though there was the utmost unanimity in the gentlemen who acted with him, it was not the sort of unanimity the noble lord had alluded to; it was unanimity to exert every nerve, and to touch upon every string likely to contribute, in any manner whatever, to rescue the country from that peril in which the ministers had involved it, but it was not an unanimity which rested upon confidence in administration, or the least expectation of success from their measures. The zeal, therefore, of his friends in the cause of their country, was the more eminent, because they offered their lives and fortunes even under those men whom they could not trust, and under whom, officers of such exalted character, and such eminent military talents as Admiral Keppel and Lord Howe, declared they could not, consistently with their honour, serve.

The noble lord, who spoke some time since, had said we had no foreign alliances, and had declared to God he knew not why. This was a severe charge upon the noble lord in the blue ribbon and his colleagues; for what was it but confessing that we were deserted and abandoned by all Europe, and by implication, declaring that the conduct of ministers must have been unaccountably bad, to have occasioned an event not to be imagined possible to have happened. He, however, would tell the noble lord why we had had no foreign alliances. All Europe saw the wretched and disgraceful state into which ministers had plunged us; and could it be expected that any court in their senses would ally themselves with misery and ruin? The noble lord, however, had forgot that we had allies in Germany, the Landgrave of Hesse and the Duke of Brunswick were our allies. Let gentlemen look at that part of the conduct of ministers. They had bound us down by treaty to assist and support both or either of those princes whenever they were attacked. The faith of the nation was now pledged for this, and in case of a rupture between the courts of Hesse or Brunswick, and any other power, in case of a war being lighted up in Germany in the progress of our present contest, (no very improbable circumstance,) what must be the consequence? The faith of this nation must be broken, for it would be morally impossible for us to adhere to the treaty. This was one among many of the precious consequences that had attended our eagerness to enter upon the accursed American war, our haste to cut the throats and pick the pockets of our brethren across the Atlantic.

He took notice of the assertion of his right honourable friend (Mr. Thomas Townshend) the preceding day, relative to the treachery and corruption which had been stated to prevail in the cabinet. Though he had no proof of such a charge, this he would however say, that the noble lord in the blue ribbon must certainly have sold his own opinion, and adopted that of other men, or he never could have acted in the manner he had done. He verily believed what he now said, and added, that it was perfectly indifferent to him whether the noble lord had sold his opinion to the king of France for French gold, or whether he had sold it to any other person, or disposed of it to his colleagues in office for their fine words, and their promises of honour and emolument. It was impossible it could be otherwise; it was impossible that men notorious for their being men of sense, of judgment, of acknowledged talents, should pursue a line of conduct so opposite to sense, so grossly weak, so ignorant, and so absurd. The noble lord in the blue ribbon had great natural abilities; those abilities had been matured and improved by an excellent education; he had in that House given repeated instances of his talents; he had charmed frequent audiences with his wit, his humour, and his reasoning; how, then, was the opposition between his language and his conduct to be reconciled? It was true, indeed, that speaking and doing were distinct and very different things, but let gentlemen look at the conduct of the ministry as private men. Had they let their own estates go to ruin? Had they given any signs of personal neglect or inattention to their own interests?—quite the contrary. They had taken good care of their wealth; they had increased their riches.

He concluded with repeating, that though he voted for the bill, he did not mean it to be understood as a token of his preferring the raising the militia to raising new regiments, agreeably to the offers of the two noble dukes and noble earls. That he had not the least confidence in the present ministers, and that so far from being ready to enter into an alliance with them, he thought they merited punishment; and although there were among them individuals for whom he had the highest personal respect, yet he thought their official conduct collectively so infamous, and so prejudicial to the interests of their country, that were the times ripe for bringing them to punishment, he would join most heartily in supporting the measure.

The bill was read a second time. It afterwards passed the Commons, but in the Lords, the clause enabling the king to double the militia was rejected by a considerable majority. It was remark-

able, that Earl Gower, lord president of the council, and both the secretaries of state, voted against the compulsory principle of the bill.'

July 2.

Thus disembowelled of all its original substance, the skeleton of the bill was returned to the Commons, with nothing of efficacy remaining, except a supplemental clause added by Lord Beauchamp, for the raising of volunteer companies. Sir Grey Cooper having moved, that the amendments made by the Lords be taken into consideration, a debate on the point of privilege ensued.

Mr. Fox said, he would take the opportunity of saying a farewell word or two to the minister for the present session. He then attacked the noble lord in the blue ribbon, on the repeated calls upon the House, which were made by those who sat near him, (when the bill then before them was originally brought in,) to act with unanimity and spirit. He stated the reception the bill had met with in that House, every man agreeing to it, or rather forbearing to oppose it, not because they approved of it, but because they were not willing to embarrass administration when they offered a measure professedly designed to call out the national force, and to add to the security and defence of the kingdom in an hour, when the ministers themselves stated it to be in the most imminent danger of invasion. It had passed that House unanimously; but what was its reception in the other? Where was the spirit and the unanimity which the noble lord in the blue ribbon had preached up? Were the members of the king's cabinet unanimous? Were they ready to adopt the measure as a measure of good policy, and to carry it into execution with spirit? No such thing. No two lords of the council were of one opinion; the divisions of the cabinet respecting the measure had followed the bill into parliament. The lord president, so far from feeling that unanimity which the noble lord in the blue ribbon had recommended, had openly declared his fears that the bill was impracticable, and had proposed a plan totally different from every idea suggested in the bill. He begged, therefore, that ministers would not again have the impertinence to talk of unanimity and spirit; for, undoubtedly, it was impertinent and insulting to the last degree, for any set of men to recommend that to others, of which they were themselves incapable of holding out an example.

Having said this, Mr. Fox went into a consideration of the little hope there was of any good from the present ministers, and asked where could a set of gentlemen now be found that would say they had any confidence in administration? The

bill which had been that day brought from the other House, was a proof that they were shamefully indecisive and indifferent; that so far from having sufficiently digested their measures before they came to parliament to propose them, they had not even ascertained their practicability. The opposition in the other House was chiefly made by the lords lieutenants of counties, the very persons into whose hands the execution of the bill would necessarily devolve, and who of all men were the most capable of judging whether it was or was not practicable. He desired to know why ministers had not consulted the lords lieutenants of counties respecting it, before they proposed it to parliament, and said, if the idea of contemning aristocracy had prevailed so far, as to prevent such a necessary consultation from taking place, it was a futile and improper objection. With regard to the present remnant of the bill which they had sent up to the Lords, (for a remnant it was, and a most inefficacious remnant, the very vitals of the bill as it originally stood, having been taken out,) it was to all intents and purposes a money bill; and to argue that it was not so, merely because it did not originate in a committee of supply, or a committee of the whole House, was the most childish distinction that he had ever heard. Did not the bill, as originally framed, contain a clause, enabling his majesty to augment his militia, a power which imposed a burthen on the subject, and for the expence of which their money was appropriated by another bill, to which this especially referred? Who, then, would say that it was not a money bill; and who would be so weak as to advise the amendments of the Lords to be read, when, even if the motion were agreed to, it would only carry the House a step farther, at which they must necessarily stop, and at which the bill must inevitably be thrown out and rejected? It were better to proceed regularly; to throw out the bill then, and to begin *de novo;* the difference of parliament continuing to sit a few days longer, was nothing in comparison of the mischiefs, of the dangerous consequences to the nation, which might ensue, if that House acquiesced in a violation of its privileges in any one instance.

Having enforced this strongly, he recurred to his attack on administration, and said it was evident they acted better, and more wisely when they were opposed, than when they were left to themselves. While that side of the House continued to harass them, and to throw obstacles in their way, it served as a spur to their activity, and gave them a degree of firmness, of caution, of "unanimity, and of spirit," which it was now evident was not their natural characteristic. In the present case, their calls upon gentlemen to be unanimous, had been listened to on both sides of that House, and listened to, not,

as he before said, from any approbation of the bill, but from a wish to suffer them, in one instance, to act of themselves, and to try, by giving them rope enough, (he wished to God they had made a proper use of the rope!) whether they were or were not capable of proposing any one salutary measure, and carrying it through parliament. The result was, a fresh evidence of their incapacity, and the manner in which the noble lord in the blue ribbon had treated the bill in its progress through that House, as well as the readiness with which he was willing to adopt the wretched remnant of it sent down from the Lords, shewed incontestably that indifference which marked every part of his conduct. To that indifference he ascribed all the mischiefs that had befallen this devoted country, and declared that the fate of the bill would not be a slight one; ministers alone, however, were answerable for it, Opposition, for the reasons he had stated, having no share in the responsibility; and he trusted the matter would be seen in its true light by Europe and all the world.

The bill as amended by the Lords was carried, on a division, by a majority of 63 to 45.

Address on the King's Speech at the Opening of the Session.*

November 25.

THE King opened the session with the following Speech:

"My Lords and Gentlemen; I meet you in parliament at a time when we are called upon by every principle of duty, and every consideration of interest, to exert our united efforts in the support and defence of our country, attacked by an unjust and unprovoked war, and contending with one of the most dangerous confederacies that ever was formed against the crown and people

* A few days before the meeting of parliament, Earl Gower, lord president of the council, resigned that high office, and was succeeded by Earl Bathurst. Lord Weymouth likewise resigned his office of secretary of state for the southern department, and was succeeded by the Earl of Hillsborough. Lord Stormont, late ambassador at Paris, was appointed to the northern department; the business of which had been conducted by Lord Weymouth, since the death of the Earl of Suffolk. And the old place of first lord of trade and plantations, which had been absorbed and included in the new office of secretary of state for the colonies, was now separated, and bestowed upon the Earl of Carlisle.

of Great Britain.—The designs and attempts of our enemies to invade this kingdom, have, by the blessing of Providence, been hitherto frustrated and disappointed. They still menace us with great armaments and preparations; but we are, I trust, on our part, well prepared to meet every attack, and to repel every insult. I know the character of my brave people: the menaces of their enemies, and the approach of danger, have no other effect on their minds, but to animate their courage, and to call forth that national spirit, which has so often checked, and defeated, the projects of ambition and injustice, and enabled the British fleets and armies to protect their own country, to vindicate their own rights, and at the same time to uphold, and preserve, the liberties of Europe, from the restless and encroaching power of the house of Bourbon.—In the midst of my care and solicitude for the safety and welfare of this country, I have not been inattentive to the state of my loyal and faithful kingdom of Ireland. I have, in consequence of your addresses, presented to me in the last session, ordered such papers to be collected and laid before you, as may assist your deliberations on this important business; and I recommend it to you to consider what further benefits and advantages may be extended to that kingdom, by such regulations, and such methods, as may most effectually promote the common strength, wealth, and interests of all my dominions.

"Gentlemen of the House of Commons; The proper estimates shall, in due time, be laid before you. I see, with extreme concern, that the necessary establishments of my naval and military forces, and the various services and operations of the ensuing year, must inevitably be attended with great and heavy expences; but I rely on your wisdom and public spirit, for such supplies as the circumstances and exigencies of our affairs shall be found to require.

"My Lords and Gentlemen; I have great satisfaction in renewing the assurances of my entire approbation of the good conduct and discipline of the militia, and of their steady perseverance in their duty; and I return my cordial thanks to all ranks of my loyal subjects who have stood forth in this arduous conjuncture, and, by their zeal, their influence, and their personal service, have given confidence as well as strength to the national defence. Trusting in the Divine Providence, and in the justice of my cause, I am firmly resolved to prosecute the war with vigour, and to make every exertion in order to compel our enemies to listen to equitable terms of peace and accommodation."

An Address in approbation of the speech being moved by Lord Lewisham, and seconded by Lord Parker, the following amendment was moved by Lord John Cavendish: viz. "To beseech his majesty to reflect upon the extent of territory, the power, the opulence, the reputation abroad, and the concord at home, which distinguished the opening of his majesty's reign, and marked it as the most splendid and happy period in the history of this nation; and, when he shall have turned his eyes on the endangered, impoverished, distracted, and even dismembered state of the whole; after all the grants of successive parliaments, liberal to profusion,

and trusting to the very utmost extent of rational confidence, his majesty will expect to receive the honest opinion of a faithful and affectionate parliament, who should think they betrayed his majesty, and those they represent, if they did not distinctly state to his majesty, in words, what the world has seen in most calamitous and disgraceful effects; that if any thing can prevent the consummation of public ruin, it can only be new councils and new counsellors, without further loss of time, a real change, from a sincere conviction of past errors, and not a mere palliation, which must prove fruitless." The amendment was opposed by Mr. William Adam, Lord North, Mr. Dundas, Mr. Jenkinson, and Mr. Attorney General; and supported by Mr. Hartley, Mr. James Grenville, Mr. Thomas Townshend, Admiral Keppel, Mr. Fox, Mr. Burke, and Mr. Temple Luttrell.

Mr. Fox rose, he said, to express his astonishment at the paradoxical mode of reasoning adopted by an honourable gentleman (Mr. Adam,) who introduced his speech with informing the House on which side he intended to vote when the House should come to a division, namely, in favour of administration. The motives which induced that honourable gentleman to change sides, were rather curious, and of the first impression. At the beginning of the last session he thought the ministers wrong, but the operations of the last campaign had taught him to think that ministers were right; or in other words, that having once thought ill of them, a line of conduct, still more disgraceful, more infamous, more destructive and ruinous, had at once done away the bad impression which their less humiliating and less mischievous conduct challenged, and had determined him to support them! This, he would be bold to say, was soaring to the very summit of political paradox, and parliamentary enigma. The honourable gentleman had said, that there were men in administration who were possessed of great abilities, and who enjoyed the confidence both of their sovereign and their country. Where was he to seek for them? Would the honourable gentleman be so kind as to direct his steps, and enlighten his researches? Was he to look for them at the head of the army? There he would find an officer, who, he was certain, had entirely lost the confidence of the whole body over whose interests and immediate government he had been raised, for the apparent purpose of protecting and regulating, and that by a partial distribution of favours, military rank, and refusing military merit its just and dear-bought reward; because scarce an instance had happened, since, on an unfortunate and ill-omened day, his lordship was appointed commander-in-chief, in which he did not furnish repeated proofs, that military rewards were snatched from the well-entitled veteran, and conferred on those, who had no other recommendation to his

notice than an influence, which he should, as the father and protector of the army, have set his face against in the most unreserved and direct manner. Was it in the secretary of state's office, that he was to search? There, indeed, he ought to find a man, whose knowledge of foreign courts and interests might render him an able negociator. But there again he would be disappointed; for no such person was to be found in that office. Was it at the treasury or admiralty-boards that his enquiries were to meet with the satisfaction sought? Alas! he had little reason to look for success at either. After a fruitless search through all the departments of the state, the honourable gentleman had led him to the court of chancery. There, indeed, he acknowledged that a noble and learned lord sat, of the first abilities, who did infinite honour to his bench; his lordship was in full possession of public confidence, but it was a confidence in the chancellor, in the noble lord's professional abilities, not as a minister; for the people did not suppose that his station, his habits, or the duties of his office, allowed him much time to turn his attention to the political interests of the nation, or fitted him for the task.

The honourable gentleman had taken an admirable method of commending administration, by saying, that there were men more incapable among those who aspired to their places. He did not know how ministers would receive this aukward and paradoxical compliment, but he knew that if he were a minister, and a man should come to him and say, "Sir, I cannot defend you on the ground of your own conduct, it is so replete with blunders, absurdities, and inconsistencies, that all my abilities cannot even palliate them; but I will tell you what I can do to serve you: I will inform the world, that the men who oppose you are more ignorant, more inconsistent, more infamous, and more disgraceful than yourself:"—on hearing such an address, for his part, he would instantly reply, "Begone! begone, wretch! who delightest in libelling mankind, confounding virtue and vice, and insulting the man whom thou pretendest to defend, by saying to his face, that he certainly is infamous, but that there are others still more so."*

* The consequence of this speech was a duel between Mr. Fox and Mr. Adam, in which Mr. Fox was wounded. The quarrel is sufficiently explained by the following letters and statement, which were published at the time by authority:

Mr. Adam to Mr. Fox.

St. Alban's Tavern, Saturday, 4 o'clock afternoon, Nov. 27, 1779.

Mr. Adam presents his compliments to Mr. Fox, and begs leave to represent to him, that upon considering, again and again, what had passed between them last night, it is impossible for him to have his character

Some gentlemen have been pointed out in the general invective alluded to, and high as his opinion of their abilities was, he believed, it was not in their power to save their country at present, at least without an absolute change of system; of measures as well as men; bottomed on the full and unre-

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cleared to the public, without inserting the following paragraph in the newspapers.

"We have authority to assure the public, that, in a conversation that "passed between Mr. Fox and Mr. Adam, in consequence of the debate in "the House of Commons, on Thursday last, Mr. Fox declared, that, how-"ever much his speech may have been misrepresented, he did not mean to "throw any personal reflection upon Mr. Adam."

Major Humberston does me the honour of delivering this to you, and will bring your answer.

Mr. Fox to Mr. Adam.

Sir, I am very sorry to say that it is utterly inconsistent with my ideas of propriety, to authorise the putting any thing into the newspapers relative to a speech, which, in my opinion, required no explanation. You, who heard the speech, must know, that it did convey no personal reflection upon you, unless you felt yourself in the predicament upon which I animadverted. The account of my speech in the newspapers is certainly incorrect, and certainly unauthorised by me; and therefore, with respect to that, I have nothing to say.

Neither the conversation that passed at Brookes's, nor this letter, are a secret nature, and if you have any wish to relate the one, or to show the other, you are perfectly at liberty so to do. I am, &c.

Mr. Adam to Mr. Fox.

Chesterfield Street, half past three, Sunday, November 28, 1779.

Sir, as you must be sensible, that the speech printed in the newspapers reflects upon me personally; and, as it is from that only that the public can have their information, it is evident, that unless that is contradicted by your authority, in as public a manner as it was given, my character must be injured. Your refusal to do this, entitles me to presume that you approve of the manner in which that speech has been given to the public, and justifies me in demanding the only satisfaction that such an injury will admit of.

Major Humberston is employed to settle all particulars; and, the sooner this affair is brought to a conclusion, the more agreeable to me. I have the honour to be, &c.

Statement.

Monday, Nov. 29.

In consequence of a previous misunderstanding between the honourable Mr. Charles Fox and Mr. Adam, they met, according to agreement, at eight o'clock this morning in Hyde Park. After the ground had been measured out, at the distance of fourteen paces, Mr. Adam desired Mr. Fox to fire; to which Mr. Fox replied, "Sir, I have no quarrel with you; do you fire." Mr. Adam then fired, and wounded Mr. Fox, which, we believe, was not at all perceived by Mr. Adam, as it was not distinctly seen by either of ourselves. Mr. Fox fired without effect. We then interfered, asking Mr. Adam if he was satisfied? Mr. Adam replied, "Will Mr. Fox declare he meant no personal attack upon my character?" Upon which Mr. Fox said, this was no place for apologies, and desired him to go on. Mr.

served confidence of the sovereign on one side, and every assistance which such a constitutional confidence could give; nay he believed that if even the great Earl of Chatham were alive, a man in whom the people believed to reside a *quoddam divinum*, he would be found unequal to the task of restoring the glory and dignity of the British empire, if the present ruinous system were not first done away, and the very seeds of it exterminated. The words of the amendment were taken, he said, from that noble earl, when he first heard his opinion on the necessity of a real change, a change that would effectually bring about the purposes for which it was designed; a change of system, without palliatives. He confessed he did not then clearly understand the noble lord's meaning, but he had been since fatally convinced of its true import, which strengthened the former opinion he entertained of that great man's political penetration and transcendant abilities. He saw very early indeed, in the present reign, the plan of government which had been laid down and had since been invariably pursued in every department; it was not the mere rumour of the streets that the king was his own minister; the fatal truth was evident, and had made itself visible in every circumstance of the war carried on against America and the West Indies. There was not the least intelligence in the West Indies perceptible between the king's officers in the most kindred departments. Had not all such intelligence been destroyed by an invisible cabinet influence, could it ever have happened that there should be in one of our lately captured islands 150 pieces of ordnance, and only 40 men to work them? Could there have been in one place cannon without balls, and in another balls without cannon? In short, could mere ignorance in ministers produce of itself so many complicated blunders as the last seven years have furnished, to render the present reign the most disgraceful period in the annals of this country.

He then asked, what was become of the American war? that war which had cost this nation so many millions, and so much bloodshed from our brave countrymen! Was it too

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Adam fired his second pistol without effect. Mr. Fox fired his remaining pistol in the air: and then saying, as the affair was ended, he had no difficulty in declaring, he meant no more personal affront to Mr. Adam than he did to either of the other gentlemen present; Mr. Adam replied, "Sir, you have behaved like a man of honour." Mr. Fox then mentioned that he believed himself wounded; and, upon opening his waistcoat, it was found he was so, but to all appearance slightly. The parties then separated; and Mr. Fox's wound, was, on examination, found not likely to produce any dangerous consequence. RICHARD FITZPATRICK.
T. MACKENZIE HUMBERSTON.

trifling a subject to challenge any part of his majesty's attention, or to have the least notice taken of it in the speech from the throne? or was it totally extinct and given to oblivion? The American war was now, it seemed, treated with the same silence in his majesty's speech as he would treat the war of ancient Troy, with which he had nothing to do. But he wished ministry would speak out and say whether the American, like the Trojan war, was totally past, and no longer to be remembered in that House? If that was their determination, where was the British army under Sir Henry Clinton? why were our brave countrymen to be kept in a state of disgusting inactivity where no war was to be carried on? If there was no American war in fact existing, except in the swelled catalogue of our public accounts, why was an army of 60,000 men suffered to moulder away at New York, and be the painful witnesses of the enemy's unrepelled attacks? to see their near posts carried by the enemy without an effort on their part to preserve them? If it was true that General Clinton had an army of Americans only, who exceeded the number of Washington's whole force, how was this inactivity to be accounted for?

He next took a short review of the naval and military operations in the West Indies. He displayed the weakness of administration in sending out 3500 men with Admiral Arbuthnot, to reinforce an inactive army, already sufficiently numerous, if they were themselves to be believed, when with that force our islands, now in possession of the enemy, might have bid defiance to the descent of Count D'Estaign. He gave praise most liberally to that part of the British fleet which engaged the count; but inveighed strongly against the authors of the unfortunate circumstance respecting the powder, by which our seamen saw their balls fall harmless into the water short of the enemy, whilst our ships received the greatest damage at the same time from their shot. He expatiated very powerfully upon the neglects by which our coasts and docks were exposed to danger during the late alarms of invasion: and made many severe comments upon the operations of the navy on that occasion; particularly on the dishonourable circumstance of their flight from an enemy, superior to them indeed, but which became so, by the shameful folly of administration, in not preventing the junction of the fleets of Bourbon.

The minister had ventured to assert, that we were now in a better state than we were in at the close of the last session. And how does he prove his assertion? said the honourable member. "The enemy intended to invade us and they have not done it." (At the same time, by the bye, the noble lord

had expressed his wishes, that they had landed.) Now the only better prospect the noble lord has in view for his country next spring is, that they may again attempt and happily that they may then be able to effect their purpose. If so, that this year we were in more danger because the enemy did not land; the next year we shall be in less danger, because they probably may be more successful, and actually effect a landing.

He then adverted to the mismanagement of the army; mentioning the general dissatisfaction that prevailed amongst the officers, on account of the mode of promotion in the new levies. They did not murmur at little partialities shewn to a Rutland or a Harrington; the usage of the army suffered some little deviation from the strict rules of promotion in favour of such men, and to attach them to the service; but when officers of long service are told by a secretary at war, "You cannot have this or that promotion, because you are in the army; but it may be given to such or such a person, because he never was in the army," who can wonder at their universal disgust? 'A very worthy friend of mine,' said he, '(Lieutenant Colonel Campbell,) being under orders to go to Jamaica, applied for the rank of colonel upon that service, but was answered that it could not be granted to him, but it was granted to lord such a one.' "Very true, but he never had any rank before, and he will only hold it during the war." The reasoning deducible from this answer is not incurious; and the conclusion is most worthy of remark. Says the secretary at war, he that never served before, and is presumed to be ignorant of the military profession, shall command you that are skilled in the art, during the war, when military abilities are so essentially necessary in command; but make yourself easy about that, for when the war is over, and military skill is become less necessary, you shall command him. The absurdity of this reasoning is only to be equalled by the ingenious finesse which has been introduced by somebody, to obviate the difficulty with respect to officers on half pay, who consent to a temporary forfeiture of a lieutenant's rank on the old establishment, in order to obtain a company in one of the new regiments. The officer subscribes a paper, by which he engages to give up his rank as a lieutenant for ever; and the commander-in-chief signs a defeasance at the bottom of it, by which he engages that the officer shall be restored to his rank at the end of the war! He concluded this subject by challenging the commander-in-chief or the secretary at war to say, whether either of them or whether any one was responsible for the army department.

It was asserted in the speech from the throne, that the nation had to contend with one of the most dangerous con-

federacies that ever was formed against the crown and people of Great Britain; and in so perilous a moment the minister avowed that government had not a single ally to look to for assistance. But that was not the fault of administration; it was owing to the ingratitude of the European powers. All America had revolted from us; but that was not the fault of administration; it was the disloyalty of the colonists. We had lost a considerable part of our West India possessions; but that was not owing to the indolence of ministry; it was owing to the activity of D'Estaing, who took them from us! Ireland was in a tumult, and Scotland began to grumble; but our immaculate ministers were still without blame; the Scotch and Irish were themselves the causes of their own disturbances. This was another mode of reasoning with which ministers and their advocates insulted the understanding of parliament.

The noble lord in the blue ribbon had disclaimed the doctrine held out by the followers of administration, relative to the King's being his own minister, but yet it was most certain that such a doctrine was daily dispersed by his followers, probably with an intention of paying their court to him, by propagating opinions the most disagreeable to their patron. The doctrine, however, was in itself highly dangerous to the constitution, as it tended to take responsibility from the shoulders of the ministers and place it on a personage who could do no wrong, and could not be called to account. However, he would observe, that though, in general, the evils of a reign were attributed to the wicked counsels of an abandoned ministry; yet, when those evils reached to a certain height, ministers were forgotten, and the prince alone was punished. Thus it was with the royal House of Stuart; Charles and his son James had both wicked ministers, to whom, no doubt, the errors of their reigns ought to be chiefly ascribed; and yet they themselves were punished, the one with loss of life, the other of his crown. This should be a lesson to sovereigns, and teach them to check their ministers, and not suffer themselves to be blindly led by them, as they themselves may, for their ministers, bear the whole weight of their people's indignation.

There was not, he observed, in the whole history of this country, a period that resembled the present, except the reign of the unfortunate Henry VI. His family, like that of his present majesty, did not claim the crown as their hereditary right; it was by revolutions that they both obtained it. Henry was an amiable and pious prince; so was his present majesty: Henry was the son of the most renowned monarch that had ever sat upon our throne; George was the grandson

of a hero: Henry lost all his father's conquests, and all his hereditary provinces in France: George had already seen the conquests of his grandfather wrested from him in the West Indies, and his hereditary provinces of America erected into an empire, that disclaimed all connection with him.

His majesty had set out in life with the brightest prospects that a young man could have wished for: possessed of immense dominions, and the warmest affections of his people, his accession to the crown was completely flattering both to himself and his subjects. How sadly was the scene reversed! his empire dismembered, his councils distracted, his people falling off in their fondness for his person! He said he only spoke within doors the language that was held without: the people were beginning to murmur, and their patience was not unlimited: they would at last do themselves justice: there certainly would be insurrections; and though it was impossible that the calamities that would attend them could be justified, or compensated by any good that could be obtained by them, yet they certainly would take place.

It was not a secret to that House, that the present sovereign's claim to the throne of this country was founded only upon the delinquency of the Stuart family; a circumstance, which should never be one moment out of his majesty's recollection. It was true, indeed, that the unfortunate race of that name, was universally detested in this country; and therefore his majesty had little to fear from their pretensions: but he should ever remember that it was the conduct of wicked and ignorant ministers that excited that detestation for them. If there was at this day one of that unfortunate House remaining, what a scope for upbraidings and remonstrance could he not find in the present reign! Could he not say, "You have banished my ancestor from the throne, and barred the sceptre from all his progeny for the misconduct of his ministers, and yet the ministers of the present reign are ten times more wicked and more ignorant than those were; and whilst you all agree in giving to your present sovereign the title of best of princes, his ministers have rendered his reign beyond any degree of comparison, the most infamous that ever disgraced this nation." The minister, though with such a load of national censure and national calamity on his head, has the hardiness to boast of his innocence; but it was not a conscious rectitude of mind that could excuse a minister from criminality. What he called innocence might be another name for ignorance, and ignorance in a minister was a crime of the first magnitude. But the wide ruin that the counsels of administration had spread through this great empire, and the miserable state to which they had reduced it in the short space in which

the present parliament had been sitting, was so far beyond the natural effects of mere ignorance, that he could not help adopting the opinion of his honourable friend (Mr. T. Townshend) that there was treachery at the bottom of the national councils. The noble lord might flatter himself as much as he pleased in the protection of a majority, or in the security of the law; but when a nation was reduced to such a state of wretchedness and distraction that the laws could afford the people no relief, they would afford a minister who had caused the evil but little protection. What the law of the land could not do, the law of nature would accomplish; the people would inevitably take up arms, and the first characters in the kingdom would be seen in their ranks.

After drawing a picture of the narrow and impolitic system of the present reign, and contrasting it with the freedom and glory of this country in the reign of our great deliverer, the immortal William the Third, he turned his observations to the state of Ireland, which he said at present afforded one of the most critical situations, in which the two kingdoms ever stood with respect to each other. Every evil that threatened us from that quarter he imputed directly to the bad policy of administration last session. He did not mean, then, to offer any opinion upon what steps were proper to be taken in such a crisis. Circumstances were arrived at that nice point, that even the power of deliberation was almost taken away from that House. The situation of affairs was so very delicate, that it was not easy for members to treat the subject in a becoming manner. They were almost as effectually barred from giving a free opinion on the case, as the members of the Irish House, who had the bayonet at their breast, and were sworn by compulsion to vote as the people dictated. But though he would not deliver his opinion in that House, neither should any man know from him then what he thought ought to be done; he would venture to point out three lines of conduct, one of which he was certain must be adopted. England must resist altogether the demands of Ireland, or she must grant them in part or in the whole. If administration intended to resist their demands, he counselled them for the sake of mercy to do it instantly, and with every possible effort of their force: if they meant to grant the whole of their demands, he as earnestly advised them to do it without hesitation; although he could not but say, that even their readiest compliance would not now be considered as a concession; the refusal of their more reasonable requests in the late session, and the loud voice now raised in that country, would sufficiently mark it with the stamp of necessity.

If they should deem it proper to grant their demands only

in part, he asked if they thought Ireland would now be content with what she asked last session, and which was then fatally denied to her? As he believed every man in that House would answer the question in the negative, he desired administration would draw from it this lesson, not to adopt the same little line of conduct that they had pursued with respect to America, and not deny in one session what they offer with additions the year following, yet still continuing to make little bargains until they had nothing left to bargain for. He then appealed to the House upon the propriety of their voting an address of thanks to his majesty for his "attention to the state of his loyal and faithful kingdom of Ireland," and challenged ministry to point out a single instance in which that attention had been manifested. The noble lord at the head of the treasury could not surely be in earnest when he declared that the American war had nothing to do with the affairs of Ireland. Did not that ill-fated project appear most conspicuous in every circumstance of the present condition of that kingdom? What stripped Ireland of her troops? Was it not the American war? What brought on the hostilities of France and put Ireland in fear of an invasion? Was it not the American war? What gave Ireland the opportunity of establishing a powerful and illegal army? Certainly the American war. When he called the associated forces an illegal army, he did not mean to cast any odium upon the associations. He was equally ready to acknowledge the necessity and the merit of the plan: but it was the accursed American war that made that measure necessary, and rendered illegality meritorious.

If he might be allowed to hazard a conjecture upon the determinations of government with respect to Ireland, he thought it might be fair to believe, that they were disposed to make large concessions. The appointment announced that day, of the Earl of Hillsborough to be one of his majesty's secretaries of state, was the ground of this opinion. It was but lately that his lordship had communicated the thanks of the Irish parliament to their associated companies; and it was generally said, that he had accepted the office upon the royal promise, that Ireland should have an equal trade. How a certain learned member (the attorney general) could bring himself to support the man whom he had once menaced with an impeachment, he could not easily divine. He was equally at a loss to assign any reason for the supernumerary appointment of another noble earl (of Carlisle) to the board of trade. There appeared no reason for increasing the number of commissioners at that board, at a time when the object of its business was not only decreased, but almost totally lost, except

the most prodigal waste of the public money. At the same time, he thought it his duty to say, that he entertained a very great respect for that young nobleman's private character, though he considered his public abilities much too highly rated for his years and experience. He remarked how depraved, indeed, that administration must be, when those who had supported them through so many dirty measures, were ashamed to associate with them any longer, and made room for the changes which had happened that day. But it was not by such changes that the nation could be relieved, and its constitution restored. Such changes were but palliatives, and nothing but an implicit compliance with the amendment then under consideration could save us from ruin, restore the empire to prosperity, and add lustre to the prince on the throne, by making him the happy sovereign of a free and affectionate people.

The question being put on the amendment, the House divided:

	Tellers.			*Tellers.*	
YEAS	L. J. Cavendish Mr. Byng	134.	NOES	Lord Hinchingbrook Mr. Robinson	233.

So it passed in the negative. The original address was then agreed to.

THE EARL OF UPPER OSSORY'S MOTION ON THE DISCONTENTS IN IRELAND.*

December 6.

THIS day the Earl of Upper Ossory moved, "That it is highly criminal in his majesty's ministers, to have neglected taking effectual measures for the relief of the kingdom of Ireland, and to

* "The parliament of Ireland met on the 12th of October, and soon shewed that they had received a portion of the general spirit of the nation. They declared in their addresses to the throne, that nothing less than a free and unlimited trade could save that country from ruin. The addresses were carried up with great parade amidst the acclamations of the people. The Duke of Leinster, who commanded the Dublin volunteers, escorted the Speaker in person upon that occasion; whilst the streets were lined on both sides, from the parliament-house to the castle, by that corps, drawn up in their arms and uniforms. That nobleman had also moved for the thanks of the Lords to the volunteer corps throughout the kingdom, which was carried with only one dissenting voice.

"The associations and people at large, full of anger and jealousy, manifested strong apprehensions of political duplicity on this side of the water;

have suffered the discontents in that kingdom to rise to such a height, as evidently to endanger a dissolution of the constitutional connection between the two kingdoms, and to create new embarrassments to the public councils, by division and diffidence, in a moment, when real unanimity, grounded on mutual confidence and affection, is confessedly essential to the preservation of what is left of the British empire." The motion was seconded by Lord Midleton, and supported by Mr. Burke, Mr. Thomas Townshend, Mr. Fox, Colonel Barré, and Mr. Dunning. It was opposed by Sir John Wrottesley, Lord Beauchamp, Earl Nugent, Mr. Dundas, Mr. Macdonald, Lord North, Mr. Welbore Ellis, Lord George Germain, and the Attorney General.

Mr. Fox* rose immediately after Mr. Dundas. It would be a vain attempt to endeavour to follow the honourable gentleman through a speech which took an hour and a half in the delivery, and which was delivered with a rapidity of utterance, a flow of language, and in a strain of oratory rarely equalled. He felt, he said, the utmost indignation at a pas-

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and, perhaps, did not place a perfect confidence in the steadiness or perseverance of their own parliament. They were afraid, that they would be amused by fair and empty promises, until they had resigned their power along with the national purse, by granting the supplies for the two following years, according to the customary mode in that country; when being no longer necessary to government, a sudden prorogation would put an end to all hope of, at least, amicable redress, for the present. Under this apprehension, a short money bill, for six months only, by which means parliament would still continue indispensably necessary to government, became the general cry of the nation.

"As this innovation upon established form and method, was strongly opposed, particularly by the court party, the Dublin mob thought it necessary to shew their zeal in the public cause; they were accordingly guilty of great and violent outrages, as well in their endeavours to enforce the measure, as in their punishment of the refractory. Although the Irish parliament used proper measures to express their resentment, and to maintain their dignity upon this occasion; yet many of themselves being inclined to a vigorous proceeding, and the rest borne down by a cry almost universal in the nation, the representatives found it at length necessary to comply, and the short money bill was accordingly passed on that side: a necessity equally convincing, secured the passage of that humiliating and mortifying act in England." Annual Register.

* "This was the first time Mr. Fox had appeared in the House since the duel with Mr. Adam. The debates were long, various, and interesting. All the wit, ability, and eloquence of the Opposition, were thrown out without measure or reserve against the ministers. On their side, they exerted themselves much more than they had done in the House of Lords. The two great leaders and speakers of the Opposition in that House took a large share in the debate, and were as usual distinguished. The appearance of Mr. Fox, after his recovery from the wound which he had received in the late duel, occasioned by something that had fallen from him on the first day of the session, afforded matter of much general curiosity; and that incident seemed now to have produced a renovation, rather than any detraction of his former spirit." Annual Register.

sage in the learned member's speech, who had dared to arraign gentlemen on that side of the House, with causing by their inflammatory speeches, the misfortunes that this devoted country had already felt; and the much greater that threatened them:—He, of all men, whose inflammatory harangues had concurred in bringing parliament and the nation into those calamities, which he had the confidence to attribute to persons who had all along done every thing in their power to prevent the predicted consequences: he, whose inflammatory harangues had led the nation, step by step, from violence to violence, in that inhuman, unfeeling system of blood and massacre, which every honest man must detest, which every good man must abhor, and every wise man condemn: he, who had dealt in nothing but in exaggeration, in the most inflammatory expressions, in incitements to revenge, and the horrid catalogue of monsters which follow in its train; —that such a man dared to impute the guilt of such measures to those who had all along, in each successive step of its progress, foretold the consequences; had prayed, intreated, and supplicated, not even for America, but for the credit of the nation and its eventual welfare; to arrest the hand of power, meditating slaughter and directed by injustice; to reflect a single moment, and after counting the possible gain, compare it with the certain loss; a loss of national reputation, of national humanity, of national justice, and, in fine, if nothing but interest was to sway the authors of this diabolical scheme, of national interest and national safety. What was the consequence of the sanguinary measures recommended in those bloody, inflammatory speeches? Though Boston was to be starved; though Hancock and Adams were proscribed; yet at the feet of these very men, the parliament of Great Britain were obliged to kneel, to flatter, and cringe; and as they had the cruelty at one time to denounce vengeance against those men, so they had the meanness afterwards to prostrate themselves before them and implore their forgiveness.

Was he who called the Americans "Hancock and his crew," to reprehend any set of men for inflammatory speeches? Or had sad experience, though not a real reformation, so far altered his sentiments, that he found it necessary to express himself in more favourable terms of Perry and his crew [The Speaker of the Irish House of Commons]? The softened, guarded language adopted by the learned gentleman, might be easily accounted for. Perry and his crew had used arguments particularly conciliating, convincing, and persuasive, and they were no less powerful. The arguments of Perry and his crew consisted of 42,000 bayonets.

He would repeat, that this mode of defending administra-

tion, by libelling those who differed in opinion from them, was, to the last degree, infamous and contemptible, and, in the particular instance, remarkably so. "The complaints," said the learned gentleman, "have originated on this side of the water, and have been sent over to Ireland." Was that the case? Most certainly not; the charge was false; he could give it no other epithet. It was false and infamous; it was scandalous. Were there no distresses in Ireland? were there no discontents before gentlemen on this side of the House had spoken on the subject? were there no men of understanding in Ireland? Had there been no pamphlets written in that kingdom, or newspapers published, or essayists, who discussed the subject in print there? If there were, and they had all united in the same opinion, and in much stronger terms than any thing which had come from the side of the House on which he had the honour to sit, what would the world think of the man who dared to avow in his place, that the topics of complaint had been suggested by a particular description of men in that House, and from thence had made their way to Ireland? He was ashamed to dwell upon so trifling a circumstance, but he could not help expressing his resentment, when he reflected on the injustice of the charge, and the purposes which it was apparently brought forward to promote. Were there no men of abilities in either House of Parliament in Ireland? Were Mr. Serjeant Burgh, Mr. Grattan, and several other characters equally well known, and when known highly respected, solely governed by what had fallen in debate in that House; or had the distresses of the country created a principle of union, directed to a general redress, which nothing but the native feelings of the Irish nation gave birth to?

After having made several pointed animadversions, on what he called the inflammatory part of the learned gentleman's discourse, he endeavoured to trace the origin of all our evils to its grand source, the American war. It was that accursed war that had led us, step by step, into all our present misfortunes and national disgraces. What was the cause of our wasting forty millions of money, and sixty thousand lives? The American war. What was it that produced the French rescript, and a French war? The American war. What was it that produced the Spanish manifesto and Spanish war? The American war. What was it that armed 42,000 men in Ireland, with the arguments carried on the point of 42,000 bayonets? The American war. For what were we about to incur an additional debt of twelve or fourteen millions? That accursed, diabolical, and cruel American war.

He was not present the other evening when a very intelligent and ingenious gentleman below him (Mr. Hartley) had

asked the noble lord in the blue ribbon, whether ministers intended to persevere in the American war. He could not pretend to speak with precision, but he was informed that the noble lord answered in the affirmative. It was this accursed war that had already lost us the empire of America. It was this war, that caused the disgrace of the British flag, and had already stripped us of some of our most valuable West India possessions. It was this war that had already rendered us contemptible to all Europe, which caused us to be deserted by our friends and allies, and despised and trampled upon by our enemies. It was this ruinous war that had brought on the distresses of Ireland. It was this war that had obliged the government here to abandon that of Ireland. It was this war that had consequently armed Ireland, and, in short, induced the people there to associate, in order to defend themselves, as well against their domestic enemies, the ministers of Great Britain, as their foreign foes.

But to all this I expect to hear the noble lord shortly rise, and say, it was not I that caused America to resist; their resistance was rebellious, and they, not ministers, were the cause. It was not I that brought on the French war; France united with our rebellious subjects. It was France therefore was to blame. It was not I that was the author of the Spanish war; Spain joined France, and it was France and Spain that were to blame. After anticipating for some time the presumed defence the noble lord would make, he then attacked him very severely on account of his obstinacy, indolence, and general incapacity, and adverted to the recent resignation of two great officers of state (Lords Gower and Weymouth). Was it merely the language of that side of the House, that the ministry were incapable and neglectful, and the minister so habitually indolent and inattentive to the duties of his office, that one of the noble lords alluded to (Earl Gower) speaking to the very question, *which was the subject of the present motion, after declaring that the truth of it was clear to him, added,* "but it is impossible to say what may be deemed a criminal neglect in some men; for some men are so overwhelmed with habitual indolence and inattention, that what may be deemed criminal in others, may only be a mixture of nature and habit in them." Were the speeches made on that side the House singular in their tenor from the general opinion which prevailed without doors? He believed not. He was persuaded, there was hardly a man out of that House, or indeed in it, however he might vote that evening, who doubted of the total incapacity of ministers. What did the noble lord, whom he had lately alluded to, say in the other House, a noble lord, who lately presided in his majesty's councils, but "that he

could no longer, having seen such things, remain there with honour or conscience." Was this the voice of faction, or the random assertions of partial and uninformed men? On the contrary, was it not the candid explicit declaration of a person who had presided in those councils, who had been a witness to what was every day going forward there, who had yet declared himself of no party; and, speaking like an honest man, spoke out, saying, that beholding such things as he daily saw transacting there, he could no longer continue a spectator, accountable to his country, his sovereign, and himself, with honour or conscience?

The learned gentleman had said, that the distresses felt by Ireland were not brought on them by the present ministers, but by the restrictive and other trade laws, passed in this country. As a general proposition, he was ready to admit it in part, though many of the internal grievances, he was ready to prove, originated from government alone; but would the learned gentleman say, that the total loss of the American trade, the most valuable part of the Irish commerce; the embargo of the only export they had but linen, the increased taxes, and a variety of other causes, had not accelerated those distresses, if not entirely created them? The learned gentleman had industriously endeavoured to shew, that the present motion was incapable of proof, or so indefinite, as not to admit of it. This was the most strange perversion of reasoning he had ever heard. The proof lay within a very narrow compass. Was not the address of that House, and the king's answer, evidence of the duty imposed upon ministers? Would ministers say, that they had performed that duty? They could not; they dare not. The learned gentleman's fallacious mode of stating the question, evidently involved the grossest absurdity; for the proof was clearly put upon them, that they had discharged the duty so imposed upon them. The *onus* lay upon ministers, to shew what they had done in consequence of the address, or if they had done nothing, that they acted to the utmost, as far as circumstances would permit.

He allowed, however, that it was impossible to prove the proposition otherwise than by proving a negative. He might state which minister advised his majesty to do this or do that, but it would be an extreme difficult undertaking, to prove who had advised his majesty to do nothing. Negligence was the most direct negative, and a negative could only be proved by an *alibi*. For instance, if a man was charged with committing a murder at York, he might establish a defence by proving, that at the time the fact was charged to have been committed, he was in London. Let, then, his majesty's ministers prove, that it was not in their power to attend to the

affairs of Ireland, because they were busily employed in more essential matters; with the defence, for instance, of Great Britain against the meditated invasion of our foreign enemies; with the naval operations at home; with the war in the West Indies, or the war in America: but if they had been so negligent as to attend to no one part of their duty, and to have done nothing the whole summer, the only defence they could set up was taken away.

If the censure of ministers should not prove advantageous both to England and Ireland, he wished for no punishment against any of them, which could only originate in resentment or revenge. He wished that punishment to operate as a preventive; for when it was taken up on any other ground than by way of prevention in future, by being rendered exemplary, it most clearly degenerated into personal enmity and revenge. He could say fairly, that he had no enmity whatever to the noble lord in the blue ribbon, nor to any member of administration: what made him so anxious was solely the good of his country. It was the general calamities of the empire that had made Ireland poor; but it was the incapacity and negligence of government, that had rendered her bold and daring. It was, therefore, incumbent upon parliament, to shew their fullest disapprobation of that indolence and incapacity, and convince Ireland that they were as ready as themselves to resent and punish the cruel treatment, which they had received from ministers. Ireland would see by such a conduct, that it was not this country but its ministers who were blameable; which would, in his opinion, prove the surest means of once more binding both countries in the most indissoluble ties of friendship and affection. This was the motive which ought to operate with Great Britain at the present minute. It had been frequently urged in that House, that the strength of government had been broken, its measures impeded, and its efforts rendered weaker by the struggles of party. He said, he knew but of two parties in the kingdom. His majesty's ministers supported by the influence of the crown, against all Great Britain. These were the two parties. The people formerly divided, perhaps, on points of mere speculation, had at length united; all divisions and subdivisions of men were at length embodied. Experience of what had passed, and the dread of worse that might happen, had melted them into one mass. He was happy to have it in his power to affirm, that the friends of the people and of their country, had but one opinion, both in that and in the other House. The first men of rank, fortune, and character, in both Houses, had firmly and virtuously resolved to set their faces against this increasing, this alarming influence of the crown, and never to

co-operate upon any terms with men, who did not feel it themselves, but had endeavoured all in their power to render it prevalent and extensive. They had resolved to act in concert, and nothing would ever content them, but reducing the influence of the crown within due and constitutional bounds. The sense of danger had brought about this coalition; they were the friends of the constitution, the well-wishers of his majesty, but the avowed and determined enemies of this dangerous influence, which grew proportionally strong, as the empire grew weak; and was in a progressive state of increase, as the fame, wealth, and possessions of the British empire were gradually diminishing, and sinking into a state of internal imbecility and external contempt. It was a lamentable contest in which his majesty was engaged; a contest not with a disaffected party, inimical to his government or family establishment, or who thirsted after power or place; not with a faction who were enemies to his ministers in person, but a contest with the whole body of his subjects, who saw, that the further support of such ministers would, if not timely prevented, terminate in the ruin of the empire.

After pursuing a very wide circuit, and taking a transient view of almost every measure adopted since the commencement of the American war; he adverted again to the question, and observed, that such was the miserable dilemma this country was reduced to, by the gross misconduct of ministers, that the British parliament could not now act upon principles of justice or sound policy with a good grace. The dignity of the British parliament was gone, and they would be now compelled to grant what would in the end, they foresaw, be extorted from them. He mentioned the circumstance of Mr. Alderman Horan's application at the custom-house of Dublin, to make an entry of Irish woollens for Holland. What might have been the consequence of the clerk's refusal, had it not been for the temperate interference of the gentlemen who lead the country party in that kingdom? The consequence would have been, that Mr. Horan would have shipped his goods for exportation, contrary to several British acts of parliament still subsisting; his majesty's cutters would have seized them, as being contraband; the second edition of Boston violence would have been published, and Britain, at a most critical and tremendous moment, would, to the rest of her numerous and formidable foes, have had Ireland to contend with. This, but for the reason already assigned, the temper and moderation of the leading men in that country, controuling and softening the indignant resentments of their brethren, would have been the consequence of the criminal conduct of those against whom the present motion was directed.

The Irish Associations* had been called illegal: legal or illegal, he declared he entirely approved of them. He approved of that manly determination which, in the dernier resort, flew to arms in order to obtain deliverance. When the last particle of good faith in men was exhausted, they would seek in themselves the means of redress; they would recur to first principles, to the spirit as well as letter of the constitution; and they could never fail in such resources, though the law might literally condemn such a departure from its general and unqualified rules; truth, justice, and public virtue, accompanied with prudence and judgment, would ever bear up good men in a good cause, that of individual protection and national salvation.

God knew, that he sincerely lamented the cause which produced this sad, he could not but say, this perplexing and humiliating alternative. He most heartily lamented that any cause had been administered which seemed to justify violence

* Lord Sheffield, in his "Observations on the present State of Ireland," published in 1785, gives the following account of these extraordinary Associations: "It is necessary to notice a phenomenon which now began to appear. The like never has been observed in any country, at least where there was an established government. To describe it strictly, it may be called an army, unauthorized by the laws, and uncontrolled by the government of the country; but it was generally known by the name of Volunteers of Ireland. Their institution bore some semblance of a connection with the executive power. Arms belonging to the state, and stored under the care of the lieutenants of counties, were delivered to them, upon the alarm of foreign invasion. So far they seemed to be countenanced by government, but in a short time they caused no little jealousy and uneasiness. The arms issued from the public stores were insufficient to supply the rapid increase of the volunteers. The rest were procured by themselves, and the necessary accoutrements, with a considerable number of field-pieces. It answered the purpose of Opposition in both countries to speak highly of them, and the supporters of government in both countries mentioned them with civility. The wonderful efforts of England in America were somehow wasted to no purpose of decision. American successes inflamed grievances which had been long felt in Ireland. Ireland, in truth, had infinitely more cause for complaint, and had been infinitely more oppressed than America; the latter had never submitted to half the hurtful restrictions in which the other had for many years quietly acquiesced. But now, petitions, remonstrances, popular resolves, and parliamentary addresses were vigorously urged, and in about four years Ireland was happily relieved from many commercial restraints, which should have been removed long before, and gained several other points which she thought essential to her welfare. The volunteers preserving a degree of reserve and decency, kept at a certain distance, but were never entirely out of sight. They had been serviceable in supporting the civil magistrate; fewer castles, houses, or lands, were kept by forcible possession; sheriffs were enabled to do their duty; fewer rapes and other enormities were committed than usual; and here, if the volunteers had stopped, and we had seen no more of them after the establishment of peace, their page in history would have been fair and respectable."

or resistance; he dreaded the consequences, however justifiable in their origin, or moderately or judiciously conducted; but whatever the effects might be, he was ready to acknowledge that such a power was inherent in men; as men and citizens it was a sacred trust in their hands, as a defence against the possible or actual abuse of power, political treachery, and the arts and intrigues of government; and when all other means failed, resistance he should ever hold as perfectly justifiable.

Towards the conclusion of his speech he was, for the second time, extremely severe on the noble lord in the blue ribbon as minister. He did not pretend to guess at his plan, but from past experience, and his general conduct, he had no doubt but what he would propose would be exactly the reverse of every thing he had hitherto done respecting Ireland; and he was persuaded, the only chance that the noble lord had of being right was when he departed from, or rather expressly contradicted, his general line of conduct, it being always the fortune of the noble lord to set out wrong, and trust to chance for striking into the right road. He reminded parliament of what had fallen from his honourable friend (Mr. Burke) and some others, who had spoken early in the debate, that it was the noble lord in the blue ribbon, and he only, in point of real effect, who had prevented the relief intended to be given to Ireland the two preceding sessions, more particularly the last. This he confirmed in the strongest manner, by referring to what had been urged by him on that occasion, and desired the House to recollect what he had then predicted, and what had since literally come to pass, namely, augmented armed associations, sufficiently formidable to dictate to and direct an acquiescing British parliament.

At half past twelve the House divided:

	Tellers.			*Tellers.*	
YEAS	The Earl of Upper Ossory Mr. T. Townshend	100.	NOES	Mr. C. Townshend Sir Grey Cooper	192.

So it passed in the negative.

MR. BURKE'S PLAN OF ECONOMICAL REFORM.

December 15.

MR. BURKE briefly opened the outlines of his celebrated plan of economical reform, and gave notice that he would bring forward the business as soon after the Christmas holidays as pos-

sible. Lord John Cavendish, Mr. Dempster, Mr. Fox, Mr. Gilbert, and Colonel Barré spoke shortly in approbation of the plan.

Mr. Fox said:—I cannot, Sir, prevail on myself to be entirely silent upon such an occasion as this. I shall, however, trouble the House with but a very few words. I have some knowledge of the plan of my honourable friend; and, in general, it has my hearty approbation. I thank him for the pains he has taken for the public service: I thank him as much for his endeavours to vindicate the honour of this House. I am just come from another place*, where the first men in the kingdom, the first in abilities, the first in estimation, are now libelling this House. Every instance they give — and they give many and strong instances — of uncorrected abuse, with regard to public money, is a libel on this House. Every argument they use for the reduction of prodigal expence — and their arguments are various and unanswerable — is a libel on this House. Every thing they state on the luxuriant growth of corrupt influence — and it never was half so flourishing — is a libel on this House.

But, Sir, this House will be brought, by proper means, to wipe off all these imputations. The people for a long time have been slow and torpid. The noble lord on the floor doubts whether they have virtue enough to go through with the plan of reformation, which my honourable friend has to propose. But the virtue of necessity will animate them at last; and through them will it animate and correct this House. The virtue of necessity — sure in its principle, and irresistible in its operation — is an effectual reformer. It awakens late; but it calls up many other virtues to its aid; and their joint exertion will infallibly bear down the greatest force, and dissipate the strongest combination that corrupt men have ever formed, or can ever form against them.

There is amongst us but one mind upon the subject. I hope and trust, that no man or description of men, none who look to the public, none who wish the public ever to look up to them, will be so lost to all sense of their own reputation, and to all discernment of their true interest, as at any time, upon any terms, or upon any pretences, to accept of the management of the state, without securing the execution of the plan of my honourable friend, or of one similar to it.

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* An interesting debate had this day taken place in the House of Lords, on a motion made by the Earl of Shelburne, relative to the alarming addition recently made to the national debt, under the head of Extraordinaries.

If they should do otherwise, let them come into office with what intentions they may, they will sink in character faster than they can rise in power. That very influence, which they are prevailed upon to cherish as their means of strength, will become the source of their weakness. They will find, that the influence is not at their disposal. They will find every good design which they may form, traversed and frustrated. This influence will even appear in avowed opposition to them. It will be employed first to embarrass, and at length to destroy them. Whoever wishes for ability to serve their country, must get rid of that kind of instrument.

My honourable friend who spoke last says well, that his duty and allegiance to the king are strong motives with him, for wishing success to this proposition. Certainly they must be so to every good subject. Can the king possibly enjoy the affection and confidence of his people, when his interest is wholly dissociated from theirs, and put upon a bottom perfectly separate? It is but one and the same principle which cements friendship between man and man in society, and which promotes affection between king and subject; namely, that they share but one fortune; that they flourish by the same prosperity; and are equal sufferers under the same distress; that the calamity of the people is the depression of the prince. On any other terms, there can be no sympathy between men in any relation of life. Can any thing be more unseemly, more calculated to separate his majesty from his people, and to alienate his people from him, than to find, that when the landed estates are sunk one-fifth in value, when their rents remain unpaid; when manufactures languish and trade expires; and in that condition, burthen upon burthen is piled upon the fainting people; when men of all ranks are obliged to retrench the most innocent luxuries, and even such as were rather grown by habit into a kind of decent convenience, and to draw themselves up into the limits of an austere and pinching economy, that just the beginning of that time should be chosen, that a period of such general distress should be snatched at as the lucky moment for complimenting the crown with an addition of no less than 100,000*l.* a-year? that the king should rise in splendour upon the very ruins of the country, and amidst its desolations should flourish with increased opulence amidst the cries of his afflicted subjects? It is something monstrous, something unnatural: an outrage to the sense; an insult on the sufferings of the nation.

I hope, therefore, for the sake of the public, for the sake of all public men, for the sake of the crown, and for the sake of the king upon the throne, that my honourable friend will

add perseverance to the diligence he has already employed in his plan for lessening the public expences and reducing the ruinous influence of the crown; and that no time after the holidays will be lost in producing it. He has my hearty approbation, and shall have my warmest support.

PETITION FROM THE COUNTY OF YORK FOR AN ECONOMICAL REFORM IN THE PUBLIC EXPENDITURE.

February 8, 1780.

THE business of public meetings, of petitions to parliament, and of associations for the redress of grievances, was commenced during the Christmas recess; and the adoption of these means for procuring a reform in the executive departments of the state, not only became soon very general, but the minds of the public being agitated and warmed by these meetings, the views of many, and those persons of no mean weight and consequence, were extended still farther; and they gradually began to consider, that nothing less than a reform in the constitution of parliament itself, by shortening its duration, and obtaining a more equal representation of the people, could reach to a perfect cure of the present, and afford an effectual preservative against the return of similar evils. The great, populous, and opulent county of York led the way, and set the example to the rest of the kingdom. A very numerous and respectable meeting of the gentlemen, clergy, and freeholders, including persons of the first consideration and property in the county, and in the kingdom, such as perhaps never was assembled in the same manner in this nation, was held at York on the last day but one of the year. There a petition to the House of Commons was unanimously agreed upon, and accompanied with a resolution, that a committee of sixty-one gentlemen be appointed to carry on the necessary correspondence for effectually promoting the object of the petition; and likewise to prepare a plan of an association, on legal and constitutional grounds, to support the laudable reform, and such other measures as might conduce to restore the freedom of parliament. The petition was this day presented to the House of Commons by Sir George Savile, setting forth,

"That this nation hath been engaged for several years in a most expensive and unfortunate war; that many of our valuable colonies, having actually declared themselves independent, have formed a strict confederacy with France and Spain, the dangerous and inveterate enemies of Great Britain; that the consequence of those combined misfortunes hath been a large addition to the national debt, a heavy accumulation of taxes, a rapid decline of the trade, manufactures, and land rents of the kingdom: alarmed

at the diminished resources and growing burthens of this country, and convinced that rigid frugality is now indispensably necessary in every department of the state, your petitioners observe, with grief, that notwithstanding the calamitous and impoverished condition of the nation, much public money has been improvidently squandered; and that many individuals enjoy sinecure places, efficient places with exorbitant emoluments, and pensions unmerited by public service, to a large and still increasing amount, whence the crown has acquired a great and unconstitutional influence, which, if not checked, may soon prove fatal to the liberties of this country: your petitioners, conceiving that the true end of every legitimate government is not the emolument of any individual, but the welfare of the community, and considering that, by the constitution of this realm, the national purse is intrusted in a peculiar manner to the custody of this honourable House, beg leave farther to represent, that, until effectual measures be taken to redress the oppressive grievances herein stated, the grant of any additional sum of public money, beyond the produce of the present taxes, will be injurious to the rights and property of the people, and derogatory from the honour and dignity of parliament: your petitioners, therefore, appealing to the justice of this honourable House, do most earnestly request, That, before any new burthens are laid upon this country, effectual measures may be taken by this House, to enquire into and correct the gross abuses in the expenditure of public money, to reduce all exorbitant emoluments, to rescind and abolish all sinecure places and unmerited pensions, and to appropriate the produce to the necessities of the state, in such manner as to the wisdom of parliament shall seem meet."

Sir George Savile supported the petition in a speech fraught with much good sense and plain and perspicuous reasoning. Lord North did not oppose the reception of the petition, but was for postponing its consideration till after that of the ways and means for raising the supplies.

Mr. Fox said, that he had not intended to speak at this time on the subject of the petition before the House; but he could not refrain from making a few observations on the positions that had now been laid down by the noble lord. The consideration of the petition, says he, may very fitly be postponed till after that of the ways and means for raising the supplies. Compare this language with the generous and magnanimous admiration of ministers, when they applauded and admired the conduct of the associations in Ireland, who refused to grant supplies for more than one half year, before their grievances should be redressed, before the prayer of their petition for a free trade should be granted. Is there, then, one law for the associations in Ireland, and another for those of England? No. The noble lord is a man of accuracy and consistency. He must therefore mean, whatever

he may have said in the heat and hurry of debate, that the associations in England, in imitation of those in Ireland, ought to grant no supplies, to pay no taxes, until their petition shall be treated with proper respect; until its prayer shall be fully granted. I am at a loss to conjecture the threats that the noble lord says have been hinted by the honourable gentleman, meaning thereby to fix a stigma on this and other petitions. The people are not in arms, they do not menace civil war. They have in their power, legal, constitutional, peaceable means of enforcing their petition. It is to these means the honourable gentleman alludes, when the noble lord supposes that he throws out threats of another kind. No, Sir, let not the mild but firm voice of liberty be mistaken for the dismal and discordant accents of blood and slaughter. The evil the honourable gentleman presages, if this or other petitions are spurned with contempt and insolence, is of another, though not of a less formidable, nature. The people will lose all confidence in their representatives, all reverence for Parliament. The consequences of such a situation I need not point out: let not the contemplation of necessary effects from certain causes be considered as a denunciation of vengeance. I wish most anxiously that gentlemen would consider what they are when they sit in this House. Insignificant of themselves, they derive their importance from the appointment of their constituents. It is the duty of members of parliament to conform to the sentiments, and in some degree, even to the prejudices of the people. In their legislative capacity, the wishes and wants of the people, ought in this land of liberty to be their grand rule of conduct. I say in their legislative capacity; for I make a distinction between that and their judicial capacity; in which last they must give judgment according to the letter of the law, and in this, too, they consult the interests of liberty. Suppose the people should be of opinion that there is no longer any need of a very expensive board of trade and plantations, when that trade and those plantations, for the sake of which the board was first established, no longer exist, would it not become the noble lord's duty, to sacrifice his particular opinion to theirs, and to act agreeably to their notions and instructions? The noble lord has been very severe upon the honourable gentleman, on the supposition that he had entered his caveat against even taking time to enquire into the allegations contained in the petition. The honourable gentleman has himself sufficiently repelled the attacks of his noble opponent, by reminding him that what he apprehended was not a real but a mock enquiry. But one thing, said Mr. Fox, I cannot but remark. The ideas of an enquiry, and

an intention to defeat its object, seem so intimately connected in the noble lord's mind, that it is not in his power to disjoin them: so closely associated, that he cannot think of the one, without confounding it with the other. I cannot imagine, that any objection can possibly be made to the petition. But some may say, "Are we sinners above all that went before us, like those on whom the tower of Shiloh fell? Are we more corrupt than other parliaments who were never pestered with petitions of this kind?" No, I do not suppose you are; but though former parliaments were as bad as you, and you know the severity of that comparison, yet the people did not know it. Now they do not perhaps see it, but they feel it; they feel the pressure of taxes; they beg you would not lay your hand so heavily on them, but be as economical as possible. We on this side of the House recommend and enforce their applications. Let ministry hearken to the petitions of the people, even though they are recommended to their favourable regard by members in opposition. Let them grant their requests, and the whole glory of so popular a compliance will be theirs. Their praises were sounded in loud strains for granting to the people of Ireland, what that people made good for themselves by their own muskets. I will put the controversy between the ministry and gentlemen on this side of the House, on the same issue on which the wisest of men, Solomon, rested the determination of the dispute between the two women, each of whom claimed the living child, and disavowed the dead one. We say to ministry, you misapply the public money; nay, you do worse, you apply it to bad purposes: ministry say to us, you want our places; and thus the charge of corruption is given and retorted. Come now, let us see whose child corruption is; Opposition are willing, are desirous, that it should be sacrificed; ministry have often made similar professions; the time is come to prove the sincerity of both; see who will now acknowledge; see who will father this dear but denied child, corruption! On the whole, economy will strengthen the hands of government, relieve the people from hardships, be a source of fame and triumph to ministry over their adversaries; for who will dare to say, or who will not be abhorred for saying any thing to the prejudice of so honest and upright an administration, as those men who shall redress in so satisfactory a manner the grievances of an oppressed people? The people of England only pray to be on a footing with the subjects of France, whose government have voluntarily rescinded unnecessary places, thus opening a source of strength in a tender and in a wise plan of economy.

The petition was ordered to lie on the table.

Sir George Savile's Motion for the Pension List.

February 15.

SIR George Savile moved, "that there be laid before the House an account of all places for life or lives, whether held by patent or otherwise; specifying the dates of such patents, or other instruments by which such places are held, the names of the persons who hold the same, and the salaries and fees belonging thereto." By this account, he said, the House, and of course his constituents, would be able to judge of the services done to the state in return for the salaries paid by it. The motion was agreed to without any opposition. Sir George next moved, as part of his plan, and a prime object of the county meetings, "that there be laid before the House, an account of all subsisting pensions granted by the crown, during pleasure, or otherwise; specifying the amount of such pensions respectively, and the times when, and the persons to whom, such pensions were granted." A strong and determined opposition to this motion was immediately apparent; but the debate was broken off by the sudden illness of the speaker, and the business lay over to the following week. On its revival, upon the 21st, Lord North moved an amendment, restricting the account to those pensions only which were paid at the exchequer; but this he afterwards enlarged, to the giving the general amount of all pensions, but without any specification of names, or particularity of sums, excepting in the first instance. The proposed amendments brought out very long, and exceedingly warm debates; in the course of which the minister had the mortification of discovering much matter of apprehension and alarm; and of meeting such an opposition as he had never before encountered. He grounded his opposition to the motion, in the first instance, on a principle of delicacy. To expose the necessities of antient and noble families, whose fortunes were too narrow for the support of their rank, to the prying eye of malignant curiosity, he said, would be not only wanton, but cruel. To expose the man who had a pension, to the envy and detraction of him who had none, and by whom he was therefore hated; to hold him up as an object for the gratification of private malice and the malevolence of party, merely as a price for the favour conferred on him by the crown, would surely be a proceeding, in its nature, equally odious and contemptible. Yet these were the certain effects which must proceed from an indiscriminate disclosure of the pension list. The motion was also opposed by Mr. Dundas, and the attorney general. Mr. Dundas said he believed, that if the petitioners for an economical reform could be brought to the bar of the House, they would one and all declare, they did not wish any enquiry into the list of pensions. Mr. Dunning considered the motion as one of the most important that ever came before the House. Mr. Thomas Townshend also supported it, and attacked Lord North severely for suffering the pensions of the Duke of Gloucester, and

the Earl of Chatham, which had been paid out of the four and a half per cent. duties on the West India ceded islands, to be neglected, because those duties no longer continued.

Mr. Fox followed Mr. Townshend in arraigning the conduct of the minister respecting the Duke of Gloucester and Lord Chatham, whose pensions were now seven years in arrear. With regard to the question, he agreed with his honourable and learned friend before him (Mr. Dunning), that it was the most important that could be brought before the House. He severely reprobated the assertion of another learned gentleman (Mr. Dundas), that the petitioners, if at the bar, would disapprove of the motion; an assertion which was monstrous, and too gross for any one to use, but the person who had used it; because, to strike off all unnecessary and unmerited pensions, was certainly going directly to the two objects of the petitioners, which were, a reduction of the public expences, and a decrease of the influence of the crown. The honourable gentleman, in terms the most poignant and expressive, displayed in various, different shapes, the disingenuous conduct of the minister in adopting Sir George Savile's expression, and taking it upon himself, declaring to the House, over and over again, that the motion ought to be rejected, because it was a new one, though he knew at the same time, that it was not a new one, and there were precedents for it. The noble lord shaked his head, but he would appeal to the House for the truth of what he had said, and for the pitiful subterfuge of the noble lord, when detected, of sheltering himself under the word unusual. If the Opposition had been guilty of such a meanness, such a baseness, they would never have heard the last of it.

He next adverted to the conduct of the minister in confining the motion to the pensions paid at the exchequer, and by the paymaster-general, as if he did not know there were other pensions which the House wanted to get at. As to pretending it was indelicate to give the pension list, that was to the last degree ridiculous, for the pension list of Ireland was every year given. A learned gentleman too, had called upon Opposition, to name the person they suspected to be undeserving of the pension he received, and yet was determined to keep back the pension list, which was the only thing that could enable them to do it. As all great things were only to be done by detail, it was preposterous for the noble lord to reject this and that branch of the intended reform, because it would not make any great saving to the public. Yet it had been said, that a total abolition of the pension list would save the people but 48,000*l.*, as if a number of such savings (and a number of

them might be made) would not make up a very great sum total.

With regard to the denying the pension list, because it would be interfering with the civil allowance given to the king, he was of opinion, that it ought to be exploded as fallacious, for though the money was given for the use of the crown, the House were competent to see whether it was properly expended. The king had his prerogative, and yet no one would say he might not abuse it, or that the House could not, on a suspicion of such abuse, enquire into the fact. It was now incumbent on the minister to produce the list called for, for he challenged him to find any six members of the House, that would get up and declare his belief that the pension list was not abused, or that persons were not hired and paid for attacking the constitution, and vilifying its best friends. That all the abuses were not to be laid to the charge of the present minister, he would allow; but the noble lord had so refined upon them, as to have made them almost his own.

Some well-directed strictures were then applied by Mr. Fox, to the pensions or salaries paid at the exchequer to the commissioners of the police in Scotland; he said it now cost the nation as much to keep the Scotch in good humour, as it had done to suppress the late rebellion. The honourable gentleman here entering into the nature of that rebellion, denied that it had failed, as was the language so familiar with many. It had, indeed, failed on the part of the pretender; but his adherents had gained their point; they had got an influence here by the event, and from time to time improved it, he feared to the utter destruction of the British empire. The honourable gentleman then touched upon America, and said, it had cost the public ten thousand times more to lose America, than it had to gain it. He called upon the minister in the most pressing manner, to give the people satisfaction, for they believed the majority of the House to be under the influence of the crown; and he entreated the members to do their duty, and enforce justice, to consider who they were, and from whence they came, for that the people made them, and would certainly unmake them when they found they could no longer confide in them.

The honourable gentleman, with some pleasantry, and a great deal of satire, adverted to the speech made by Mr. Smelt, at York, and vindicated him from the suspicion of being a bad man. The honourable gentleman understood and believed him to be a good character; but he had less prudence than some men. He came to the York meeting warm with the prerogative of the crown, and he could not help betraying those sentiments of loyalty he always heard amongst

those he associated with. He excused him from having any greater dislike to the liberties of the people than other creatures of the court; all that could be said was, that he had been weak enough to disclose what others were prudent enough to keep to themselves. With respect to the influence of the crown, the people, he knew, would have it lessened, however it might be resisted; and, for his part, he was of opinion it ought to be entirely destroyed.

The honourable gentleman next indulged himself in pointing out, with infinite ingenuity and humour, the characteristic versatility of the minister. In the course of the present debate he had said and unsaid a hundred times: sometimes the motion was new, and sometimes it was unusual: the noble lord was so adroit at this kind of tergiversation, that there was no one, however watchful, that would not be foiled in the attempt to detect him. The petitions, for instance, his lordship approved of exceedingly; but he liked the protests, nevertheless, although they decried these very petitions as libellous. As to Mr. Burke's plan for an economical reform, he gave the whole of it his sincere approbation; but there was no part of it that he did not in reality dissent from. Who, too, was there in the House, that had not oftentimes been led to think, from the noble lord's words, that peace was upon the point of being made with America, though after the debate ended, they presently understood that nothing but war was meant?

The learned gentleman (Mr. Dundas) had declared it high time for every gentleman to speak out: he wished to God the learned gentleman had himself done so, and plainly told the House what the ministers really intended. If any thing of his opinion could be collected, it was that the petitions tended to subvert the constitution, which was as much as to say, that the constitution was corruption, for the petitions only prayed for the removal of abuses. But no sooner were petitions presented for abolishing pensions and sinecure places, than strait a hue and cry was raised, and the constitution was said to be in danger, as if pensions and sinecure places were actually the constitution. This, the honourable gentleman pronounced a damnable doctrine; it was an hypothesis that was not true, and he trusted the constitution of his country would not be found to stand upon such a basis of mud and dirt. The honourable gentleman further justified the petitioners by drawing an analogy between the state and an individual. The petitioners, he said, came to government, and argued thus: you are engaged in a heavy and expensive lawsuit, and we beseech you to make every saving you can, to enable you to defray the expences of it, and go through it with effect. Upon the whole, he insisted upon it, that ministers were bound to

give the pension list, otherwise they were insulting the people of England, and had acted ridiculously in allowing their petitions to be brought up.

At half an hour past one the House divided upon Lord North's amendment.

	Tellers.			*Tellers.*	
YEAS	Mr. Jolliffe Mr. Robinson	188.	NOES	Mr. T. Townshend Mr. Byng	186.

The motion in its amended state was then agreed to. Sir George Savile then declared, that as the motion, in its present state, was totally changed from that which he had proposed, and was rendered utterly incapable of affording that information for the people, which it was both his wish and his duty to lay before them, he should therefore give the matter entirely up, and should no longer give himself or his friends any trouble, by fruitlessly opposing ministers in any point which they were determined to carry.*

MR. BURKE'S ESTABLISHMENT BILL.

February 23.

MR. BURKE presented to the House his celebrated bill, "For the better regulation of his majesty's civil establishments, and of certain public offices; for the limitation of pensions, and the suppression of sundry useless, expensive, and inconvenient places; and for applying the monies saved thereby to the public service." The bill being read a first time, Mr. Burke mentioned the 29th instant, as a proper day for reading it a second time, and begged Lord North to inform the House, whether or not he intended to oppose it on that day. Lord North did not yet know whether he should oppose it or not. It was a bill of the utmost importance, and required time and leisure to determine on its propriety. The 29th, therefore, he thought too early a day. Mr. Burke observed, that in a moment when the minds of men were held in suspense, and when the nation was looking with anxiety and suspicion to

* "This was, however, an extraordinary division. But the loss of the question was the more vexatious to the Opposition, as they conceived they had strength in town fully sufficient to have carried it; and even attributed the disappointment to the accidental absence of some particular friends. On former occasions this would have been matter of triumph; but they were grown more difficult since their late increase of strength; and complained bitterly, that volunteer troops can never be brought to pay that strict attention to duty, which is practised by trained and disciplined bands, who have been long habituated to the punctual observance of a regular command." Annual Register.

the conduct of Parliament, on the subject of their petitions, delay would be dangerous, and ought to be studiously avoided. He did not wish to quarrel with the noble lord for a day. The bill would be printed, and in the hands of the members before that time; and if it was agreeable to the House, he would move for Wednesday next. Lord North still persisted the time was rather too short, and wished that it should be adjourned over the next week.

Mr. Fox said, he could not conceive why the noble lord should wish to have so much time. The temper of the people was not such as would admit of subterfuge. There was something exceedingly suspicious in the noble lord's conduct. His plea of ignorance was absurd; he had not indeed studied all the parts of the bill; it was not possible that he could have so done; but the general principle was well known to him, and the subsequent detail was the business of the committee. Did not the noble lord know whether or not he was to oppose the principle of the bill, or when he was to oppose it? He thought it would be becoming in the noble lord to declare his intentions; for he firmly believed that no member who could possibly attend would be absent on the day when the bill was to be debated. The member who wilfully or negligently absented himself on that day would pay little regard to his duty, and to the general voice of the people of England. If the noble lord would speak out, and say whether or not, or when, he intended to debate the bill, members would come prepared, and the point would be fought with fairness. But as it was, the House must be upon its guard, and that they might not be taken by surprise, they must come prepared for the onset on the first day. The noble lord had also given very strong reasons for alarm in his wish to put off the business to a late day. What security could the people of England have of the proposed system being adopted, if the House permitted all the supplies to be granted before the bill had passed? The parliament might not be dissolved, but it was very possible that it might be prorogued before the business was concluded; and he looked upon this to be the reason why the minister wished to postpone it.

Mr. Burke said, that the principle of his bill was simple, and required but little time for deliberation. It consisted but of two parts, the first was, to curtail a variety of useless and burthensome offices in the king's civil list, and other departments of government, in order to apply the savings to the constitutional services of the state; and the second, to provide against the revenues voted for the maintenance of the king, the provision of his family, and the

ease, dignity, and independence of his life, being diverted to the uses of a minister, and applied to the corrupting of parliament. Lord North said it was true the principle was plain in appearance, but its truth and propriety could only be ascertained by an examination of the parts, and this required time and study. The bill was ordered to be read a second time on the 2d of March.

March 2.

The bill being read a second time without opposition, just after Lord North had announced his plan for a commission of accounts, Mr. Burke moved, that it might be committed for the following day. This was opposed, on the ground, that as it was necessary all bills, and more especially those of great moment, should be proceeded through with caution and circumspection, so the usage of parliament was, on that account, against the sending of bills directly from the second reading to a committee. If this was the rule in other cases, how much more necessary was it with respect to a bill of such magnitude, which took in such a variety of objects, and in the event of which so great a number of individuals were interested. An amendment was accordingly moved by Lord Beauchamp, by which the following Wednesday was to be substituted in the place of the ensuing day. Lord North supported the amendment: the bill was, he said, of the most complicated nature, and required such mature consideration, that Wednesday was, in his opinion, as early a day for sending it to a committee, as the House could well think of appointing.

Mr. Fox accused the noble lord of attempting an unnecessary delay. It was absurd to pretend that too early a day was proposed for the going into a committee. The noble lord had, indeed, asserted it, but had given no good reason for postponing the business, and he called upon him to lay his hand upon his heart, and say, if he was not now ready to go into a committee, as far as a knowledge on his part of the bill was necessary. It was not supposed that the whole of the bill was to be immediately considered, but a part only; and what was that part? Whether the third secretary of state, namely the secretary of state for the American colonies, was not an office altogether useless, and as such ought to be abolished? This was the first part of the bill to be investigated, and it was so simple a question, that there required no more preparation than had been taken to decide upon it. The other noble lord (Earl Nugent) had argued in a very curious way. When Opposition complained against government for an undue use of power, the noble lord was ready to exclaim, What would you have! we have lost thirteen colonies, and surely we have reduced the influence of the crown as much as you ought in reason to require! He denied in the most express terms, that it was true, that the influence

of the crown had not been extended, and adverted, in the most happy vein of satire, to the argument used by Lord Nugent in contradiction to that fact. The noble lord also said, that all places, pensions, and sinecures were in the gift of the crown, and that the crown acted constitutionally in giving them away; so that the noble lord meant, if he meant any thing at all, that when a member solicited a place, a pension, or a sinecure, he was, in so doing, supporting the constitution.

As to the fact, whether the crown had extended its power or not, he sincerely wished the question could be fairly put, and the sense of the House impartially taken upon it. The minister had often complained that Opposition were actuated by interested views, and the calumny had been echoed through the ministerial circle into the world. If this was the case, how did the present conduct of the side of the House on which he ranged himself correspond with the charge? If they really wanted places, how was it that they had brought in a bill for cutting off so many of them? If they wanted pensions and sinecures, how happened it, that they had proposed an abolition of them? Did they want money too? Then why were they struggling for economy in the expenditure of the public money? In fine, he contended, that by the bill in question, the Opposition removed every suspicion of selfishness, and he said, he could not but call to mind the observation of an honourable gentleman, not a member of the House, who took the chair at the Wiltshire meeting, that the bill went to make the Opposition honest, as well as the ministry.

He then took notice of some expressions that had fallen from the other side, respecting the liberty of the press having been carried to a great degree of licentiousness, and confessed he was apt to think our present situation in a great measure owing to the bad use that had been made of it by those hired by government, whose system it was to mix all ranks together, to bring them to a level with each other, and to impress the people with a notion that there were no virtuous men in the present age. This vile and damnable heresy, he exploded with great warmth of expression, and thought it done merely to set the public against the liberty of the press, and traduce those very men who were proving their integrity by promoting the bill under discussion. He hoped, that as the thirteen colonies were now actually lost, for the noble earl (Nugent) had at length admitted it, the public was to have a great saving, and he expected to hear that the pensions given to the American governors would be discontinued, and particularly that granted to Governor Hutchinson, who had been the forerunner and very firebrand of the rebellion on

the other side of the Atlantic. He urged the going into a committee on the bill the next day; and charged the minister with an intention either of putting it totally aside, or of rendering it nugatory, by dissolving the parliament after opening the budget.

The question being put, that the words, "to-morrow," stand part of the question; the House divided.

	Tellers.		*Tellers.*
YEAS	Mr. T. Townshend, Mr. Fox	195.—NOES	Lord Beauchamp, Mr. Robinson 230.

So it passed in the negative. And the question being put, that the words "upon Wednesday next," be inserted instead thereof; it was resolved in the affirmative.

March 8.

Before the order of the day was put for going into a committee on the bill, Mr. Rigby rose and started an unexpected question, upon the incompetency of the House to enter into any discussion whatever relative to the king's civil list revenue or establishment. The right honourable gentleman, who had hitherto spoken rather ambiguously with regard to Mr. Burke's plan of reform, after expressing now his highest approbation of some parts of it, condemned, in terms equally explicit, those which reached in any degree to the civil list; as well as the interference of parliament at all in that expenditure. He said, that for his own part, he had ever considered, and ever should, that the civil list revenue was as much and as fully his majesty's as any determinable estate, enjoyed by any person present, was his immediate property. That revenue had been settled on his majesty, at his accession, for life; which was an interest no power on earth could deprive him of without manifest injustice; consequently, that part of the bill, which went to the controul of the civil list, and to an appropriation of the supposed savings to arise from the reform, was an attempt no less contrary to precedent than to justice. It would not only, in its consequences, degrade the sovereign, but it would reduce him to the state of a precarious pensioner; whose uncertain stipend, lessened at will, would be at all times liable to still further reduction. And to what purpose was this violence and injustice to be offered? — to lessen the supposed influence of the crown. He had heard a great deal of the influence of the crown; but he believed that influence was never less known or felt than during the present reign; and this he could speak from experience. He declared, that he had neither consulted the noble minister, nor any other person within or without the House upon the subject. It was his own opinion, and he was determined to avow it, without any expectation or wish of support, further than what it might be entitled to on its own intrinsic merit. He was apprehensive that he was rather disorderly, as the order of the day for going into a committee, stood in the way; but it was a subject on which he

wished to take the sense of the House; and he applied to the Chair for directions, in what manner to bring it forward. Lord Beauchamp highly approved of the doctrine laid down in the proposition suggested by Mr. Rigby; and was much pleased at the manly and able manner in which he had delivered his sentiments, but confessed himself always averse to meeting abstract questions.

Mr. Fox said, he could not avoid testifying his fullest approbation, of the very open, direct, and manly language, adopted by his right honourable friend on the floor. He had delivered his sentiments with that firmness and candour which so uniformly characterized his conduct in that House. He thanked him most cordially for the opportunity it afforded both parties of coming to issue. It would spare much time, and infinite trouble. It militated directly against the bill on the table; for, certainly, if that House was not competent to enquire into, or controul the civil list expenditure, the bill was founded in the most glaring injustice. But when he gave credit for the direct open manner in which the right honourable gentleman who suggested the proposition had supported his opinions, he must confess that it involved doctrines of a most alarming nature, and appeared to him, to be utterly subversive of the first principles of the constitution: he sincerely hoped, that before the House proceeded further, they would consent to let in the proposition of the right honourable gentleman, and proceed to discuss it; for it would be equally nugatory and ridiculous, to go into the committee on the bill, till the sense of the House was taken upon that question. It must be first got rid of, before any one clause in the bill could be taken into consideration. He could not help declaring, that if it should be resolved and determined, that parliament had not a right to interfere, to reform, arrange, and, if necessary, to resume the grants they had made to the crown for public purposes; in short, to see to the proper application of the monies they had granted; there was at once an end of the liberties of this country. Such a vote would, in its consequences, amount to a dissolution of the government as modelled at the period of the revolution; and would prove a stab given to its very vitals; for though we might continue to assemble in that House as usual; though we might be called upon to vote supplies according to the prescribed forms of the constitution; the right to vote and deliberate without the right to superintend and controul the expenditure of the money so voted would avail nothing; and we should become as mere slaves in reality, as any in Europe. Give princes and their ministers the exclusive right of dis-

posing of any considerable part of the treasure of the nation without controul or without account; and our liberties from that instant would be gone for ever.

If such a vote should be agreed to by a majority of that House, he should look upon his toils and labours to be at an end; and the people would have recourse to other means of redress, when parliament had precluded all possible expectations through the ordinary methods prescribed by the constitution; they would have recourse to other arguments, than those which might be urged in the course of debate in that House, in order to rescue themselves and their posterity from the chains which were forging for them. He would not presume to point out the means the people in this last extremity would resort to: he was persuaded they would be wise, salutary, and adequate to the object proposed to be attained. Should such be the necessity, he never would again enter that House; his presence there would be of very little consequence. He would unite himself with those out of that House, whose sentiments corresponded with his own. He hoped he should acquit himself like a man; and he knew of nothing in his own disposition, which would prevent him from bearing him out with firmness and perseverance in the struggle. He was persuaded the measures adopted by the people would be peaceable; but at the same time suited to the exigency of the occasion; in such measures he was prepared to co-operate; and he did not doubt but the friends of legal liberty and the constitution would prevail in the contest.

He could not help taking notice of what had fallen from his noble friend (Lord Beauchamp). His noble friend maintained the propriety of the proposition suggested by the right honourable gentleman on the floor; but assigned two reasons for preferring the going into the order of the day. The first was, that he was against voting an abstract question, a matter totally improper and unnecessary; the other, lest, if it should be voted in the affirmative, the people out of doors might be so far misled, as to believe that such a resolution was meant as putting a negative on the prayers of the several petitions. In answer to the first argument, it was sufficient to observe, that the proposition, as connected with the bill, was no abstract question; because it amounted to a direct and specific denial of its principle, which was a thorough reform in the whole of the civil list expenditure; and as to his noble friend's caution, for fear the people without doors might be misled; surely it could mean nothing more than an exercise of the noble lord's ingenuity. How, in God's name, could the people or petitioners be misled? Could the most

factious person, within or without that House, add or diminish a single word, or put any interpretation upon the proposition, but what it evidently admitted? The petitions on the table were not yet declared to be the sense of a majority of that House. He trusted they shortly would; but they were the avowed sentiments of the petitioners. What did the petitioners say? That useless and sinecure places ought to be abolished; that exorbitant salaries and perquisites ought to be reduced. Where did those evils originate? In the expenditure of the civil list. Where was the reform recommended to take place in? Most clearly, where the evil existed: to argue therefore, that the proposition should not be resolved, lest the voting of it might afford an opportunity of misconception, misinterpretation, or popular delusion, was a farce, and the greatest of all delusion; because it was evident, that if the proposition should appear to be the sense of a majority of that House, it would be a full answer to the petitioners, and a decided opinion on the subject matter of the petitions themselves. It would comprehend one or other of these answers, "we are of opinion that your petitions are ill-founded; or we think them well-founded; but our hands are tied up. We voted the civil list revenue for life; by that vote it is become the private property of the crown, as much as any part of your private property is your own. What you seek is therefore improper in itself; no such reform is necessary, or, if it be, it is not in our power to give you any relief." Such being the case, in his opinion, it was those who fled from the question, who endeavoured to impose upon and deceive the people by holding out hopes and expectations, which they never meant to realize; and which if complied with, would be fraught with injustice; and not those, who wanted to come to some specific point, which would tend to inform the people, whether they were to have any redress or not. If, however, the forms of the House would not admit the proposition to be entered into then, the House might proceed in the usual course, and resolve itself into a committee, postponing the consideration of the right honourable gentleman's proposition to the next, or some future clause in the further progress of the bill.

Mr. Burke, Mr. Townshend, General Conway, Mr. Dunning, and other distinguished members of Opposition, took and supported nearly the same ground; diversified according to the character and genius of the several speakers. The question now before the House, and on which both parties were to bring forward their utmost force, was, whether, according to the order of the day, it should be resolved into a committee on Mr. Burke's bill, or whether they should first enter into a discussion of, and decide upon, Mr.

Rigby's proposition. The question being put about nine o'clock, the resolution for the order of the day was carried, by a majority of six only, the numbers being 205, to 199. This division was marked by the singular circumstance of Mr. Rigby's voting in the minority, and in opposition to all his friends in administration.

The House then resolved itself into a committee on the bill. When the chairman came to the words in the first clause, for abolishing "the office commonly called, or known by the name of third secretary of state, or secretary of state for the colonies," Governor Pownall suggested an amendment; observing, that the words were not sufficiently descriptive, for the description should be simply that of third secretary of state. Mr. Burke had no objection to omitting the words pointed out by the honourable gentleman. He had adopted both descriptions, lest one or the other singly, might appear untechnical, or not descriptive of the office, proposed to be abolished. Lord George Germain observed, that the clause as first worded, was not descriptive of the office, which he had the honour to fill, for it was neither that of third secretary of state, nor secretary of state for the colonies; but "one of his majesty's principal secretaries of state." He wished most sincerely, if the committee should determine to abolish any one of the three offices, that it might be the one he had the honour to fill. The clause being amended agreeably to this idea, a very warm debate ensued. The clause was opposed by Lord Beauchamp, Mr. Jenkinson, Mr. Dundas, and Lord George Germain; and supported by Mr. Thomas Townshend, Mr. Burke, and Mr. Fox.

Mr. Fox said, he should not be deterred by the lateness of the hour from going into the debate. It was on a subject the most important and interesting; and if he should detain the House ever so late, he should not think that he stood in need of making an apology. In the first place, he could not but be surprised to hear so much said against the abstract proposition suggested by a right honourable gentleman, who had so frequently been alluded to in the course of the evening. There was nothing he wished for more than for the House to come to a determination upon that great constitutional question, whether they were competent or not to interfere in matters that respected the King's civil list? It was a point upon which men's minds seemed to dwell, and in the issue of which the whole nation was so essentially concerned, that he could not for one, but wish most heartily to have it before the House in a debateable shape, and decided upon as soon as possible; and, indeed, he should have liked the right honourable gentleman (Mr. Rigby) better than he did; he should have thought him more fair, and the justice of the people better dealt with, had he taken a proper opportunity, as he surely might have done, of submitting the question, of which he professed himself so warm an advocate, and not have started

it to the House, at a time when he knew it could not be moved regularly, nor decided one way or the other.

But the right honourable gentleman impressed the principle of the resolution he had broached, and the principle was to pervade the whole bill; so that when any clause came under discussion, it was to operate against it, as if the principle really had been accepted of by the House. Gentlemen did not like abstract propositions, and a noble lord (Beauchamp) reprobated speculative questions, because they did not like unparliamentary proceedings, and because those questions were only made for the purpose of being spread abroad to let the public know what the House was doing. Was it possible to conceive any thing more shameful and absurd! For his part, he declared, and he took a sort of pride in declaring it, that he wished to have those very abstract propositions decided, and that for the purpose of letting the people of England know what they had to expect; and he was resolved to use every means in his power that the public might know what the House did, and what the members individually did, in order that the people might understand properly, as they ought to do, who were to be trusted, and who were not. But gentlemen shrunk from the proposition respecting the King's civil list; they were afraid to meet it; and even the boldest of the ministerial phalanx were afraid to hazard it, though some of them had not scrupled to adopt the principle, and to support, in their speeches, the proposition that the House had no right to interfere in it. Good God! had he been asleep! how had he been lost to himself! to what little purpose had all his education, his knowledge, and his experience been attained, if that was really the fact! But, surely, it would never be a doctrine established in that House, that the King was to be uncontrouled in his civil list! Did men know what they were asserting, when they held such language? Did they really see no danger in it? Or were they so truly ignorant or so lost to the will of others, as not to know, or knowing, not to stand up and fairly tell the House, that they were competent to the purpose, and that the king was only a trustee for the people, and liable to have his accounts inspected by parliament? Had not such a practice been the uniform practice of parliament? How was it with James the Second? Had not that unhappy king, who preferred a wretched, miserable pension from the court of France, to the law of his subjects on constitutional grounds, his whole revenue taken from him?

He was amazed to hear any opposition made to so plain an axiom, a power so rooted in parliament. For, had the present king any hereditary right? Parliament, indeed, had

made him the successor to the throne, but hereditary right he had none. He was, as an honourable friend near him (Mr. Burke) had declared, the mere creature of the people's instituting, and held nothing but what he held in trust for the people, for their use and benefit. Could gentlemen, then, think so absurdly as to conclude, that the King's civil list revenue was given to his majesty to expend just as he should think fit? No, it was given him for the service of the public; and the people's representatives had at all times a constitutional authority to enquire into the expenditure of that allowance, to reduce it, and, indeed, to take the whole of it, or in other words, to resume the whole of it into their hands again, whenever the abuse of it, or the exigencies of the times should require it. The King, it was true, was the sovereign of the people, but the King was to hold the crown only as long as the people should choose. This, he trusted, he might advance without offence. He felt himself warm, and he knew it. But he trusted he was neither unparliamentary, nor disorderly. He again asserted that the King was no longer king than while he should be found to wear the crown for the good of his people, for that all power lodged in the crown, or elsewhere, could only center in that one great and fundamental point.

It was a certain maxim, however, laid down, and there were those preposterous enough to support it, that touching the King's civil list, would be meddling with private property. This he absolutely denied. But admitting for a moment the fact; was that not often done, when the good of the public called for such a sacrifice? In making turnpikes and new roads, was not private property meddled with; and did not parliament do it every week in the course of the session? And why was not the private property of his majesty, if the King's civil list really was private property, to be curtailed, when the necessities of the state called upon parliament to do it?

The influence of the crown had been said to have arisen, not from any increase of the civil list, nor an improper use of it, but from the large augmentation of the navy and army; and gentlemen were not, with a candour he did not wish to imitate, to ask the side of the House on which he ranged, why they would attack the civil list to reduce the influence they complained of? He was aware of the subtilty of the reasoning, and was ready to meet it. The naval and military arrangements, however extensive, were insisted upon as necessary. They naturally brought a prodigious influence with their establishments, and yet they were not to be lessened. How, then, was parliament to check the in-

fluence of the crown? Not by reducing the navy or the army, for they were requisite and natural influences. What way, then, was there to narrow that influence but by striking off part of the civil list? Parliament had no other way of doing it, they had no alternative; they were to reduce the influence in a manner within their power, and they had no other mode of getting at it but through the civil list.

An honourable and learned gentleman (Mr. Dundas) had denied the influence of the minister to be greater than heretofore, because his majorities in parliament were not larger than the majorities of other ministers. The majorities of the present minister were become very small indeed, but the learned gentleman did not see the true cause. It was not because the minister used less influence than he had done, but because gentlemen saw better than they used to see; and if he was to estimate the degree of corruption and influence of the minister, by the size of his majorities, he was inclined to believe that he would soon have reason to think him very virtuous and poor indeed. If, however, the learned gentleman meant, when he said the minister used no influence, to confine it to his conduct of the present day, he would cordially agree with him, for he had, indeed, used none. When the right honourable gentleman near him (Mr. Rigby) threw out his favourite proposition, that the House could not interfere with the King's civil list, the noble lord used no influence to make the House accept it. No, the minister shrunk back to his native modesty, and left the House to their own choice. Nay, the right honourable gentleman himself, who wishes so ardently to put the question, had exercised as little of his power. Though he wanted the question put, he had used none of his influence; he had left his friends and relations to themselves, and to vote for the order of the day, by which the possibility of putting his resolution was all at once done away. Even the right honourable the deputy-paymaster, (Sir T. Caswall,) had at length voted against him, and yet so little disposed was he for using any influence, he dared to swear he would readily forgive him. He trusted he should not find him turned out of office for it, but that the thing would be considered with all that perfect candour, liberal sentiment, and ready reconciliation, so congenial to the right honourable gentleman's mind.

But, to speak seriously, was there really no undue or unconstitutional influence? Was there not a monstrous influence that pervaded every department of the state? How happened it, that such a scandalous dismission had taken place of the lords lieutenants? Had not the influence of the

crown been harshly used in that respect? The Marquis of Carmarthen and the Earl of Pembroke had their lord lieutenancies taken from them, and for what? Why, because the noble marquis had written his sentiments on the York petition, and the other noble peer had presumed to vote agreeably to his conscience in parliament! In time of peace some reason might be offered, or some pretext set up, for the removal of lords lieutenants, but to make such dismissions when we were at war, and the militia might every day be wanted for service, and to make noblemen of the first and oldest families in the kingdom the objects of such dismissions, was, in his opinion, a plain and open indication, that the army was to be employed in a way in which it ought not to be employed.

Some gentlemen had asked, was there any proof to be adduced that there really existed any undue influence of the crown? As to proving an undue influence of that kind, were gentlemen in earnest when they called for proof? How was the influence of the crown to be proved? He had almost made a blunder, for he was going to say, that the influence of the crown shewed itself only in the dark, or it appeared so rarely in the light, that it was not one of those things so capable of proving any otherwise than by the notoriety of the fact.

He would now apply himself more immediately to the question under consideration; and he wondered much that some gentlemen should make it a ground of objection to it, that it was unfair, taking it for granted that a reform was necessary, that the king's civil list should be attacked in the first instance. Good God! how could such assertions escape men who valued at all their candour and their understanding? Had not Opposition endeavoured by every means in their power to retrench the public expence? Had they not attempted over and over to stop the present unnatural war against America, or, if it was to be continued, to withdraw our troops from thence, so that they might be employed where they were really wanted, and an immense load of debt thereby avoided? It had been said, too, what new oppressions or injuries do you feel? Was it possible for such a question to be coolly stated? Was the loss of America nothing new? Was the loss of our West India islands nothing new? Had we no new taxes? And were not all these things new injuries and oppressions?

With respect to the office of third secretary of state, it surely ought to be abolished. Not one single argument had even been attempted to prove that there was any utility to arise from continuing it. If, indeed, only 4,500*l.* would be saved to the public by taking away the office, that was, in

his opinion, no reason why it should not be done. The same objection might be brought against every clause in the bill, if it was to be admitted as an argument against it, that it was only to save such a specific sum of money: 4,500*l.* taken by itself, was, perhaps, not so great a sum; but when a number of those sums were added together, they would amount to a very great sum total, and it was in the aggregate, that the reform in the public expenditure was proposed in the bill before the House. It was not by abolishing the third office of secretary of state that they should save so much money, but strike off so much of the influence of the crown, which was, and ought to be, the primary object before them.

And now he would ask the House, if the King's civil list allowance was not to be proportioned to the situation of the times? If the House had now to fix the amount, would they give his majesty so enormous a sum as 900,000*l.* a-year? Would any gentleman, even for the sake of argument, for it could be used for no other end, venture to contend, that the civil list should be disproportioned to the ability of the public? Indeed, it had been pretended, that 900,000*l.* was now no more than equal to 700,000*l.* in the reign of King William, but he reprobated the computation as idle and fallacious. The price of provisions, it was true, was higher now than then; but did the price of provisions affect the royal household so materially? He wondered it should be touched upon; but admitted the fact, namely, that 900,000l. was now no more than what 700,000*l.* was. But was this reign like King William's? Parliament, indeed, allowed that glorious prince an ample income; but had he not occasion for their liberality? Good God! was this reign to be compared with the reign of that glorious and puissant prince, who had such just and extensive wars upon his hands; who was engaged in great and noble undertakings, and while he had the state at home to settle and adjust, was forming the most valuable alliances with foreign powers?

The civil establishment for the present King had been, indeed, most liberally considered by parliament upon his accession to the throne. They held him, as he professed himself, a free-born Briton, and made him a settlement equal to the predilection they had formed in his favour. They took for granted every thing he promised, and did not know what he really meant. They had not the least suspicion of the system by which his government was to be regulated, and did not know those calamities and miseries they were about to experience from an American war. Parliament little expected what they have since so badly relished. But great as the sum of 900,000l, is, with what sort of face is it that even that is the King's civil

list? Does he not come to parliament time after time praying them to pay off what he is in arrear? Are not the debts of the crown, even in this gigantic, overgrown allowance, as regularly voted as new taxes? Even at present, the civil list, he understood, was behind hand no less than three quarters, so that another application for paying off the debts of the crown might soon be expected; nay, a noble lord had openly said, that the King's establishment would want a still further increase as the branches of the royal family grew up.

In order to shew that the House had no right to interfere with the civil list, the same noble lord had asked him, what right he had to question him about his style of living? As the case stood at present, he would readily allow him, that he had none. But if he was living beyond his income, and he was to pay his debts contracted thereby, he should think he had a just right to enquire into his conduct, and to say, you surely might lop off this or that article of extravagance. And how, otherwise, did the Opposition mean to deal with the King? And yet any strangers present, to hear the arguments used by the ministerial side, would conclude, that the House was moved to take away the King's private purse, and not reduce the civil list, the allowance of which was only granted to him by parliament, in trust for the people, for their use, and not for his own private occasions, to do with it just as he might choose.

That the motion before the committee was perfectly agreeable to, and in support of the petitions of the people of England, he strongly contended. They prayed for a diminution of the influence of the crown, and the abolishing of one of the secretaries of state tended directly to that point. In support of the motion itself, he thought every thing might be said, that need be said. Experience was better than theory, and it had been proved, that two secretaries of state were sufficient, for Lord Suffolk had been dead nearly twelve months, before a person was appointed to succeed him.

He was sorry the minister and his friends were afraid to meet the question, whether the House had a power to controul the civil list or not? Though, should they put it, he should not think himself bound to acquiesce in it. He would resist it to the utmost of his power. He trusted he did not speak disorderly, for parliament had not said any thing like it. If they should at any time, he should conceive the compact between the King and people totally broken, and this country reduced to the most downright despotism that could be brought to practice. In such a case, he would not say what he would do, but he should not think parliament a place

in which he should be able to serve the people, who knew, he trusted, that they were not born to be slaves.

He alluded, in very strong terms, to an honourable and learned gentleman (Mr. Mansfield) amongst others, who were sometimes standing forth as advocates for the crown, and sometimes for the rights of the people. He exclaimed, in the genuine warmth of patriotism, against the pretence that parliament were bound at the period of the Revolution, not to interfere in the expenditure of the King's civil list, which he called a new and damnable doctrine, and infamous to a degree; he meant as far as it argued, and not personally, to the right honourable gentleman who had that day ventured to advance it. He plainly saw it was the intention of ministry to treat the petitions with contempt, and to irritate the people of England to acts of violence; but he trusted they would avoid them, for he hoped there were sure and certain constitutional means by which they could relieve themselves, and punish the authors of their calamities.

Could he possibly be brought to think, that the Revolution had established so vile a maxim, as that the King's civil list was to be used independent of parliament, or that parliament were to be precluded from controuling the power of the crown in all cases whatsoever, he should think that he, and all the people of England, were bound to curse and execrate the Revolution. But did he think so absurdly of the Revolution? Could any one think so absurdly of it? How shamefully was the Revolution libelled and traduced! He had sometimes heard, that a rebellion tended to strengthen the hands of government. He was now convinced, it was a very possible case; for if the maxim, that the House really had no power over the civil list, should be established, a rebellion, and nothing but a rebellion, could possibly save the constitution, and restore it to that state, from which the establishment of so vile a doctrine would inevitably reduce it. But why would not ministry stand forth, and fairly try the question? The friends of the constitution were ready, were waiting anxiously to combat it. But the minister, though he would persist in prejudicing the House with the principle of it, shrunk back, in a dastardly manner, and loathed the question in a debateable shape. For his part, he liked that kind of conduct worse than the right honourable gentleman's, for he did not sculk behind his partizans, but came boldly forth, in an open, manly manner, and he liked the person that was honest enough to come out in the day-light, and attack him at once unmasked. He declared, however, that should the question be ever put and carried, he would alone contest it, and seek some other place in which he would endeavour and hope to serve his country.

At a quarter before three o'clock in the morning, the committee divided, when the office of Third Secretary of State was preserved by a majority of seven only; the numbers being 201, in support of the clause of reform, to 208, by whom it was opposed. Such was the issue of one of the longest and hardest fought days, that perhaps ever was known in the House of Commons; nor was the labour greater than the ability, or the parliamentary skill and generalship displayed on both sides.

WESTMINSTER PETITION FOR AN ECONOMICAL REFORM.

March 13.

MR. FOX presented a petition from the city of Westminster, setting forth, "That this nation hath been engaged for several years in a most expensive and unfortunate war; that many of our valuable colonies, having actually declared themselves independent, have formed a strict confederacy with France and Spain, the dangerous and inveterate enemies of Great Britain; that the consequence of those combined misfortunes hath been a large addition to the national debt, a heavy accumulation of taxes, a rapid decline of the trade, manufactures, and land rents of the kingdom: alarmed at the diminished resources and growing burthens of this country, and convinced that rigid frugality is now indispensably necessary in every department of the state, your petitioners observe with grief, that, notwithstanding the calamitous and impoverished condition of the nation, much public money has been improvidently squandered, and that many individuals enjoy sinecure places, efficient places with exorbitant emoluments, and pensions unmerited by public service, to a large and still encreasing amount, whence the crown has acquired a great and unconstitutional influence, which, if not checked, may soon prove fatal to the liberties of this country: your petitioners, conceiving that the true end of every legitimate government is not the emolument of any individual, but the welfare of the community, and considering that, by the constitution of this realm, the national purse is entrusted in a peculiar manner to the custody of this honourable House, beg leave further to represent, that, until effectual measures be taken to redress the oppressive grievances herein stated, the grant of any additional sum of public money, beyond the produce of the present taxes, will be injurious to the rights and property of the people, and derogatory from the honour and dignity of parliament: your petitioners, therefore, appealing to the justice of this honourable House, do most earnestly request, that, before any new burthens are laid upon this country, effectual measures may be taken, by this House, to enquire into, and correct, the gross abuses in the expenditure of public money, to reduce all exorbitant emolu-

ments; to rescind and abolish all sinecure places and unmerited pensions; and to appropriate the produce to the necessities of the state, in such manner as to the wisdom of parliament shall seem meet."

Mr. Fox said, that the petition was from the gentlemen, clergy, and inhabitants of the city of Westminster, paying taxes. The persons who had subscribed it, had set their names to it voluntarily, and from a full conviction of the necessity of a general reform in the expenditure of the public money. He had had an opportunity of going amongst the petitioners, and though the taxes were in particular burthensome to the cities of London and Westminster, yet he knew that they would bear them without murmuring, could they but think the amount of them were properly applied. He trusted no gentleman would deem the petitioners factious, for the House had not thought them so. They had already produced some good effect, and he believed the House would not dare to reject their prayer. When he used the word 'dare,' he did not mean to threaten the House; he only said they would not dare, because he knew they saw that they ought not to refuse the petitioners satisfaction. He said the different committees had held a general meeting, and had laid down a grand plan of association. The great object of redress would be pursued peaceably, but firmly. The members were determined to act agreeably to the constitution, but with a proper spirit. He ridiculed the minister's appointing a commission of accounts, and pronounced it a farce. The noble lord would, in a commission so constituted, be his own judge: for he was to nominate the commissioners, and to pay them. The noble lord only having the idea of pension or place, could not think of filling up the commission with a placeman or a pensioner, though in fact the persons to be appointed under the present act, must be rewarded for their trouble. They would be placemen with large salaries, as soon as they entered upon their offices; they would be pensioners ever after, till they were provided for; and he knew of more than one instance where, after a pensioner had been provided for, by giving him a place, his pension was nevertheless continued to him. He adverted to the rum contract, and to a speech of Lord North's, in which he challenged the House to call upon him, and remarked that the noble lord wished to be an evidence as well as judge for himself. He had frequently been charged in the face of parliament, with entering into a fraudulent contract with Mr. Atkinson; but how did the noble lord exculpate himself? He told us, that he was imposed upon by Atkinson. What means did the noble lord take to bring the offender to

justice? By instantly entering into another contract, at a higher price. His first contract was the same as that made by the victualling office; his second was still nine-pence a gallon dearer. In the last instance, the noble lord said, he mistook currency for sterling; but now at the end of two or three years, what step had the noble lord taken to bring this public defaulter to public justice? No one step whatever. His only answer was, a general evidence given by himself, of his own integrity and innocence. He again stated to the House, the necessity of paying a proper attention to the petitions of the people of England; he said, the one he had just now presented, was signed by upwards of five thousand electors. They were temperate, moderate, and peaceable; but they were unalterably firm in their resolution of obtaining redress. They called for reformation, and a full and satisfactory reformation they were determined to have. The noble lord in the blue ribbon might, through his influence in that House, flatter himself, that by throwing out his honourable friend's bill (Mr. Burke's) this year, he would be enabled to defeat the great objects of the petitioners, a reform and reduction of the expenditure of the civil list, in order to diminish the influence of the crown; but he assured the noble lord, that his attempts would be in vain: he might procrastinate the evil day: he might eke out his wretched administration for another year; but he was perfectly satisfied, that neither he, nor any other minister who should be appointed to succeed him, could stand long against the voice of the people. In the end they must prevail in their just, legitimate, and honest desires, because no parliament dare refuse them. He repeated, that he did not mean to menace parliament; but when he said they dare not but comply with the prayer of the petitions, he wished to be understood as saying, that they dare not, because it would be unjust to refuse it.

Renewal of the East India Company's Charter.

March 21.

LORD NORTH informed the House, that the East India Company not having made such proposals for the renewal of their charter, as he had deemed satisfactory, he should accordingly move the House, for the Speaker to give them the three years' notice ordained by act of Parliament, previous to the dissolution of their charter, that the capital stock or debt of 4,200,000l. which

the public owed to the company, should be fully paid, on the 5th of April, 1783, agreeable to the power of redemption included in the said act.

Mr. Fox rose to give a negative to the motion. He asked whether the noble lord was not content with having lost America? Or was he determined not to quit the situation he held until he had reduced the dominions of the crown to the confines of Great Britain? What good could the present motion be attended with, or rather, what evil might it not produce? The motion was a threat, and the idlest of all possible menaces, because it was made at a time, when the noble lord knew in his own mind, that he neither intended nor was capable of carrying it into execution. Why, then, throw it out, unless the noble lord wished to ruin the East India Company's possessions in India, and to deprive this country of the ample revenue she received through the commerce and trade of that company? It was ridiculous, it was dangerous to threaten, when men dared not perform what they threatened. Let the noble lord, let the House, turn their eyes to the probable consequences of that threat. Good God! what a scene of anarchy, confusion, distress, and ruin, would it not occasion! Supposing even for a moment that the noble lord really intended to put his threat in execution, and was capable of doing it, must not the public suffer considerably? How was the money to be paid off? Did not the noble lord know he was obliged to pay the debt at par, and therefore as the 4,200,000*l.* stood at the interest of 3 per cent. and the 3 per cents. were at 60, the public must necessarily lose a clear 40 per cent. by every 100*l.* they paid off? But how was the noble lord to secure the revenues which the public were to derive from the territorial acquisitions of the Company? How was he to get them home? Did not the noble lord know that the company was the best medium through which they could possibly pass? Had he a plan for any new company, and had he a design to establish a new company on the ruins of the present? Was that the noble lord's gratitude to those to whom the country was so highly obliged, as the present East India Company? The noble lord must know that he could not by law grant an exclusive trade to a new company; and where would his new company, if any such project he had in view, get their capital? He must know that the company would laugh at his idle menace; at least he hoped to God they would, and not take it as a serious matter, meant to be followed by the paying off the 4,200,000*l.* If they did, woe be to the revenue, woe be to the public, woe be to all our acquisitions in India! The company, if they expected a disso-

lution, might put every thing in India to the risk, in order to get home as large a stock as possible, that their ultimate dividend might be swelled. Thus their present industry, serviceable and beneficial as it was to themselves and to the public, would be directed from its course, and be rendered dangerous to the public in the extremest degree.—He said, he had seen in newspapers, the propositions agreed on by the general court of proprietors and rejected by the noble lord. They certainly were not altogether such as he should approve, but comparatively considered with a dissolution of the company, they were most advantageous and desirable. The one must lead to certain ruin, the other to great wealth and great revenue. He imputed the bad understanding between the company and the noble lord, to the noble lord's having attempted to possess himself of the patronage of the company, and having, by the means of his secretary, endeavoured to carry every thing his own way in Leadenhall-street, declaring that he supposed they would not, on that account, treat with the noble lord at all.—After a variety of warm expressions, all tending to support the idea that ruin would follow to the revenue derived from the commerce of the company, and that we should lose all we had acquired in India, if parliament broke with them, and seriously gave them the notice the noble lord had moved, he concluded, with earnestly exhorting the noble lord to change his intention, and not to act hostilely against the company, at least for the present.

Mr. Burke also opposed the motion with great animation, and concluded with moving the previous question; upon which, after a long debate, the House divided:

	Tellers.			*Tellers.*	
Noes	Sir E. Bayntun Mr. Robinson	142.	Yeas	Sir George Yonge Sir W. Meredith	68.

The original question was then put and carried.

Army Estimates—New Levies.

April 5.

THE army estimates being laid before the House, and a motion made for referring them to a committee, much warm debate arose upon the subject of the new levies, and of the innovations with respect to rank and promotion, which were charged by the Opposition to have taken place in the army.

Mr. Fox threw out a variety of pointed sarcasms on clerks and *commis* being suddenly converted into officers of high rank, and ridiculed the idea of the appointment of an honourable gentleman (Mr. Fullerton) being excused, on the plea of its being merely during the war, and that when peace came, he and other gentlemen preferred to the rank of colonels at once, would become private men again. He asked whether the time of war was not the time when officers of experience were most wanted by their country, and rank in the army most estimable? What did it signify in time of peace, who was a colonel, or who was not? Rank then, was only the instrument which procured officers, whose services merited a comfortable and honourable provision. The army was at all times an object, of which it well became that House to be extremely jealous; but most particularly so, when new regiments were raising in such abundance, and the commands so extraordinarily bestowed, that it warranted a suspicion that sooner or later the army was intended to be employed against the liberties of the people. There had scarcely been an offer accepted or rejected, within the last eighteen months, which did not prove either a scandalous partiality, or a most unwarrantable refusal. Let gentlemen consider the handsome offer of the Earl of Derby, to raise a regiment, and the manner in which it had been refused. Let them recollect that the only objection insinuated, was the earl's having desired permanent rank, but that he had afterwards waved that claim. As an evasion, it had been said, there was no letter from the Earl of Derby, specifying that he had so waved it; and though it was allowed that he had made the declaration publicly in the House of Lords, it was pretended that no notice could be taken by office of what was there said. This, however, would strike every man of candour as a pitiful quibble, and would make the conduct of ministry appear rather worse than better. Let the House remember the answer given to Major Stanley, who died as much in the service of his country as if he had lost his life in action at the head of his regiment. Let them remember likewise the refusal to Lord Chatham, and the refusal given to Mr. Thomas Grenville, brother to Lord Temple, and to Mr. Wyndham, brother to Lord Egremont, both ensigns in the guards. What had been the plea in their cases? That they were in the army, and could move but one step at a time; so that the absurd system now pursued in the military line, was, that those who, from having been bred up in the army, and having served, were best qualified for high commands, had no chance of obtaining them, while unprofessional men, men employed as under secretaries of state, and

in civil capacities all their life-time, might have them for asking for.

He declared he objected to various parts of the estimates. If the men who had been raised on one condition to serve in the troop of horse (Colonel Holroyd's), and who were afterwards put upon a different footing, and re-attested, as he understood, for that purpose, had not had a free alternative of either being re-attested or discharged, as they thought proper, they had not been fairly treated. He then entered into an argument on the respectability and antiquity of the family of the Earl of Derby and others, whose offers to raise regiments had been refused, deducing from the premises, that such men were best attached to the constitution, and most likely to preserve the liberties of the people; inferring, that he was warranted to suspect from their offers having been rejected, that the new regiments were designed to do something adverse to those liberties. He took occasion in this part of his speech, to advert to the antiquity of the Scotch families, and ridiculed them. He said further, that he had no objection to the Scotch; that among his friendships, many of them were with gentlemen of that country whom he esteemed and loved; but still he could not help now and then reflecting on what had passed in former times. Forget and forgive, was an easy maxim to speak, but a hard matter to practise. When he considered what had happened twice within a century; that the most dangerous attacks on the constitution had come from the northern part of the kingdom, he could not but be alarmed, when he saw the partiality daily shewn to Scotchmen. He could not but recollect, that at one time, in order to obtain power, the Scotch had agreed to give up what they held most dear, their religion, and to swallow popery,—such was their eagerness to establish an absolute monarch, and to exercise their love of tyranny. Reflecting on these matters, therefore, he owned he was alarmed at the number of Scotch officers, who had of late got into the army, more especially the number of those who had obtained the commands of new raised regiments.

Mr. Dundas retorted on Mr. Fox for his reflections on the Scotch. He said, he was sure the honourable gentleman did not feel those animosities and prejudices against Scotland, which he had thought proper to revive in the course of the debate, but that he had chosen to adopt the illiberality of others, because it served his present purpose; he could not however but imagine, that the honourable gentleman had mistaken the day and the place in which he had been speaking. The honourable gentleman had, when he was younger, been much wiser: there was a time, and

he might very well remember it, when he sat on the treasury bench, and maintained, that the voice of the people was to be collected no where but in the House of Commons. But he doubted not a time would come, ere long, when the honourable gentleman would be wise again, and agree with him in opinion, that the present mode of proceeding used by Opposition could be productive only of anarchy, disgrace, and confusion.

Mr. Fox rose, in answer to the attack that had been so personally directed against him, by the learned gentleman who spoke last. He expected that such an attack would be made, and that it would come from such a quarter. The learned gentleman had talked of what he was totally ignorant, since the assertions to which he alluded were made before the learned gentleman had a seat in that House. The learned gentleman had been misinformed, and had spoken agreeably to that misrepresentation. No man who was in the House at the time, and who heard the opinion that he gave, would have dared to misrepresent him in such a manner; but speaking in consequence of the report which he had received, the learned gentleman had dared to do it, and he was excusable, because he did not know whether he was right or not. In the second or third speech which he had ever made in his life, and at a time when he was only twenty-one years of age, perhaps expressions might drop from him which were loose and undefined; but it would be very unusual indeed to examine such expressions with rigour. He, however, wished that every assertion which he had made should be fairly tried; all that he wished for was that his words should be fairly represented, and that men who were not in parliament at the time should not take the report of newspapers, nor of informers, as evidence against him. He appealed to the recollection of every man in the House who was present at the time, whether he did not, in the opinion which he gave in the affairs of the Middlesex election, build all his argument in the power of the people. Every topic which he urged was founded on this popular and proper doctrine, and was intended to maintain the power of the people in opposition to that of the crown and the House of Lords. On this ground he had changed no opinion; but he said that the voice of the people was to be collected in that House; and in the newspapers it was added, that he had said that the voice of the people was not to be collected in petitions. Such an expression could not fall from him; it would have been as inapplicable as unjust. There were not any petitions then before the House. There was no topic relating to such a subject; but that the voice of the people was to be collected in that House he had said, and he still

said so. It was to be collected in that House, until they acted in opposition to the voice of the people in the original capacity. In all ordinary cases it was the most practicable and expeditious means of declaring the sense of the people; but when the representative body did not speak the sense of the constituent, the voice of the latter was constitutional and conclusive. This had been his opinion, and it would still be so. He said there was no man who had been more systematic in his opinions and in his conduct, than himself. The noble lord in the blue ribbon would do him the justice to say so. It was his fault, and his misfortune to be too stubborn in his temper, too much indisposed to the courting of popularity, and too much matched and wedded to his opinions when formed. He would be bold to say that the noble lord in the blue ribbon would not assert that he had ever heard his public doctrines at variance with his private, though he knew well that he had often been surprised at opinions which the noble lord had given in public after hearing his private sentiments. The honourable gentleman remarked with infinite humour on what the learned gentleman had said respecting himself, and his countrymen in general.

The question for going into the Committee was carried, and the Speaker left the chair. On the resolution for defraying the expences of Mr. Fullerton's corps,

Mr. Fox took occasion to say, that of all men breathing, no one entertained fewer prejudices than himself. He detested them. He had many valuable friends in Scotland, and he had the pleasure to say that many noble persons in that country went hand in hand with England on the present occasion. He wished, for his part, to unite every part of the empire, and to lose, if possible, the very names of distinction. It had been the system of this unfortunate reign to maintain itself by division and discord. *Divide et impera* had been its favourite plan. It had accomplished the *divide*, but the *impera* he hoped would never follow. Ireland had been divided from England, England from Scotland, and America from Great Britain. This system of division and discord had set brother against brother, man against man, and connexion against connexion. He wished to see that system superseded by one of family concord, which had an eye to every part of the empire, and proscribed nothing but inability and demerit.

Mr. Dunning's Motion against dissolving the Parliament, or proroguing the Session, until Measures have been taken to diminish the Influence of the Crown, and correct Public Abuses.

April 24.

MR. DUNNING moved, "That an humble address be presented to his majesty, praying, that he will be graciously pleased not to dissolve the parliament, or prorogue the present session, until proper measures have been taken to diminish the influence, and correct the other abuses, complained of by the petitions of the people." He sarcastically alluded to the unusual fulness of the House, hoping the new comers would show their zeal for their country, their regard for the people, and their abhorrence of undue influence, by supporting the motion, and that the 233 of the 6th of April would receive an augmentation of twenty or thirty. Mr. Thomas Pitt, who seconded the motion, read the resolutions of the Cambridge county meeting, approving the late proceedings, and conjured the House not to repress the budding confidence of the nation, and inspire popular rage; when the people were once inflamed, who could stop them, or say, "thus far shalt thou go and no farther?" Mr. Adam was the most conspicuous opponent of the motion, and made a speech of extraordinary ability, for the purpose of showing the improper foundation of the petitions, and the error of those who had devised an appeal to the people. He painted, in animated terms, the dangers of beginning a reformation by means of the people, and cited the memorable days of Charles I. to prove, that although human intellect and virtue were then at their greatest height; though the patriots who began an opposition to the court were justified by the most imperious motives, yet they were compelled by increasing licentiousness to withdraw from active interference, and doomed to view the overthrow of the constitution, and the establishment of the most oppressive and arbitrary despotism that had ever cursed a nation.

Mr. Fox rose immediately after Mr. Adam, and introduced what he had to say, with a most eloquent exordium. It had been his fate, he observed, in common with others, since he had sat in parliament, to witness the most important debates that had occurred within the present century,—the debates on the American war, the debates on the war with France, the debates on the war with Spain. That great and serious as those topics were, he had felt his mind at ease, and playful as it were, in comparison to his feelings on the present occasion; that now it was impossible for him to describe the awe and horror with which he was impressed. That the subject was of the utmost importance, and involved in it the fate of

the empire. The honourable gentleman who spoke last had described the troubles of the last century with so much ability, so much warmth, and so much force of expression, that until the conclusion of his speech he could not be persuaded but the honourable gentleman had intended to vote for the question, and not against it. The honourable gentleman had asked to have it ascertained what degree of influence the petitions of the people ought to have in that House; the honourable gentleman had surely forgot, that the question he asked had already been determined. To remind the honourable gentleman that it had, he begged the three resolutions of the 6th of April might be read. They were read accordingly by the clerk at the table.*

He said, that if it were clear what the propositions were, which would be adopted in compliance with the prayers of the people, he for one should object to the present motion as unnecessary; that his learned friend could only propose, it remained for the House to adopt or reject, and that it would unavoidably be a work of some time. He rejoiced that the Opposition had once been unpopular, because he said they had borne all the obloquy, all the odium, all the censure with patience, and had lived to see every one of their doctrines agreed to, and adopted by those who had opposed them when first proposed, and had helped to load them with obloquy, with odium, and with censure. Viewing the matter therefore as a party man, it must be matter of triumph, matter of satisfaction; but viewing it in the light in which he really did view it, namely, as an Englishman and a member of parliament, it was matter of lamentation, matter of melancholy and heart-breaking compunction, because what constituted the glory and the triumph of Opposition, was the ruin and the disgrace of his country.

Having thus described the general importance of the times, and enumerated the various great topics that had come under discussion since he sat in the House, he insisted, in most

* The following is a copy of the said resolutions:—

"1. That it is the opinion of this Committee, that it is necessary to declare that the influence of the crown has increased, is increasing, and ought to be diminished.

"2. That it is competent to this House, to examine into, and to correct abuses in the expenditure of the civil list revenues, as well as in every other branch of the public revenue, whenever it shall appear expedient to the wisdom of this House so to do.

"3. That it is the duty of this House to provide, as far as may be, an immediate and effectual redress of the abuses complained of in the petitions presented to this House, from the different counties, cities, and towns of this kingdom."

expressive terms, on the superior importance of the motion then before the committee, to every other subject that had been discussed in the present parliament. He said he was fair to own, and he believed his honourable and learned friend who made the motion would agree with him, that what the honourable gentleman who spoke last had said respecting this motion being new, was perfectly founded: he believed there was no precedent for it, and that the act of 1641 did not apply to it. But (said he) as the circumstances of the times are new, the situation of this country is without precedent. The miserable state to which we have been brought by the ignorance and folly of those who govern the country, the increased influence of the crown, the grievances of the people daily increasing, call for new and unprecedented means of redress. The honourable gentleman had desired his learned friend to come forward with his system, and to unfold the extent to which he meant to go in reformation and change. Had not the House declared the necessary alteration already? Did not the resolution, carried by 233 gentlemen, prove it to be the sense of this House, that the influence of the crown had increased, was increasing, and ought to be diminished? Had not the same majority declared, that early means must be taken to redress those grievances? That those means must be adequate to the end no one can doubt; it is not therefore an unknown system, but a system founded on the determination of the committee, and adopted by the House. If the House mean to keep their word with the people, to whom they have solemnly pledged themselves to destroy that baneful influence which undermines the liberties of the country, the House must proceed further. Unless they agree to the present motion, they betray the people, by leaving it in the power of the minister, (who shews himself an enemy to the people, by his conduct here, and by his directions to others in another place, to put a stop to one of the means of redressing the abuses complained of, by throwing out the Contractors' Bill) to prorogue or dissolve the parliament before the means of redress are applied. If the motion should pass, though it did not bind the crown, there still remained in the executive power the ability to dissolve the parliament, or prorogue the present session: yet, he believed no minister would be so rash or so wicked, as to advise his majesty to dissolve the parliament, when that House had addressed him not to do it. He trusted there was yet enough of weight and of power in that House, to make good its own resolutions, and to carry them into effect; that the respect in which the executive power held its advice, was too great to admit of a conduct contrary to its wishes, properly and humbly expressed.

He then alluded, in the most glowing expressions of rhetoric, to the situation of the country, and said, that upon the fate of the present question depended, whether this constitution, which had been the pride and glory of the world, which the honourable gentleman who spoke last had described with such ability and eloquence, was to remain the boast of mankind; or whether Englishmen were again to fight for their liberties, were again to take the field in opposition to arbitrary power; and whether the days of anarchy and despotism, which the honourable gentleman had gone over, were to recur, and, after a scene as mortifying as that struggle had taken place, a restoration was to follow upon those abject terms of servility and meanness, which was perhaps more disgraceful to this country, than the scene that preceded it, bringing back Charles II. without terms or stipulation.

In short, he said, the question now was, whether the British constitution, "that beautiful fabric, raised by the steadiness of our ancestors, and cemented by the best blood of the country!"—these were the old, the trite, but nevertheless, they were the best words he could use on the occasion, they expressed most perfectly all that could be said of the constitution; he could invent none so good, he would therefore adopt them, as meeting the feelings of every Englishman—whether that beautiful fabric, raised by the steadiness of our ancestors, and cemented by the best blood of our country, was to be maintained in that freedom, in that purity, in that perfection, in which those ancestors had delivered it to us, and for which that blood had been spilt; or whether we were to submit to that system of despotism, which had so many advocates in this country, which was evidently meant to be promoted, to be established, and to be fixed. He declared, that during the course of what the honourable gentleman who spoke last had said, when he employed his oratorical talents in so well describing the miseries of the last century, and the unhappy times of Charles the 1st, a prince whom his subjects could not trust, in whom his best friends and most faithful ministers could place no confidence; whose character for insincerity and obstinacy was his own ruin, and the ruin of his country; whose deceitful conduct betrayed him into every error; whose fatal and unconquerable obstinacy never allowed him to recede: who pursued unrelentingly the same fatal system—while the honourable gentleman, he said, was describing that history, he could not help thinking, till the very last part of his speech, that the honourable gentleman meant to vote for the motion.

Surely the honourable gentleman knew that if that unfortunate, misguided monarch, (in whose character a mixture of obstinacy and insincerity was the leading feature,) had wisely

yielded to the just grievances of the people, had given way to the just prayers of the petitions, and redressed those abuses in the early part of his reign, all that fatal anarchy, all that horrid despotism, all that dreadful scene that ensued, would have been avoided; and the unfortunate end, to which that prince brought himself, by his obstinate resistance to the complaints of his people, and his stubborn refusal to redress the grievances that he had caused, by his unwisely persisting in illegal levies of money, and by the arbitrary proceedings of ecclesiastical courts, would have been prevented. He expected therefore, that an honourable gentleman who had described so pathetically, with so much feeling and force of expression, those disasters, would have concluded with him in agreeing to the motion, as a means of averting those evils of which he seemed so apprehensive. He said the honourable gentleman had made an observation relative to the tendency of the motion, which he did expect would be made, namely, that it supposed a necessity upon the part of parliament, implicitly to comply with what the petitions of the people of England required, and that that House, or another House of Parliament, by refusing the bills proposed for the redress of those abuses, would prevent any advantage from the motion being carried. He here stated, that the motion was to address the king, not to prorogue the session, or dissolve the parliament, till some measures were taken to redress the abuses complained of in the petitions of the people. He then asked, whether the taking of some measures required that parliament should do any thing that was improper for parliament to do? Must not something be done? must not some measure be taken to comply with those petitions? And was it not necessary, if they meant to grant the people their just requests, to keep parliament sitting till such time as that was done? But it was said, that bills might be refused, if not here, in another House. Was it not nevertheless possible to effect the redress of some abuses, by means independent of a bill? For instance, was it incompetent to that House to address his majesty to instruct his ministers not to give a contract to a member of parliament? and would it not be a matter that the executive power would hardly choose to deny upon an address of that House? But suppose it to be done by bill,—an honourable friend of his brought in a bill to redress the grievance complained of, by revenue officers voting for members of parliament; that bill had been rejected by the House. Another honourable gentleman had brought in a bill for the exclusion of placemen; that bill might possibly be rejected; other gentlemen, who wished well to the reduction of influence, might also bring in other bills to the same end; and it was hardly to be supposed

that the ministers, with a bought majority, would reject them all; the grievances of the people would be heard, ought to be heard, nay must be heard.

He then went on to say, that though he did upon some accounts regret the recess, which the misfortune of the Speaker's ill health had occasioned, yet there was one thing that made him happy that it had taken place; it had given him an opportunity of reviewing calmly and deliberately the present situation of the country; it had given him time to consider, whether those steps, that were meant to be taken, were wise and proper, and whether this was the time to propose them; it gave him an opportunity to prepare his opinion upon a subject of such magnitude and importance; he had therefore offered himself early to the Speaker's eye, for the purpose of delivering that opinion without any allusion to any thing that had been said, but had not been so lucky as to be seen by him. He said, his wish had been to avoid the heat and personality which replying to the arguments of others was very apt to betray him into. If he did not, therefore, allude any more to the arguments of the honourable gentleman who spoke last, he trusted that the honourable gentleman would not impute it to disrespect for him or his abilities: he knew him to be a man, he respected his talents, but he wished to keep strictly to opinions which he had deliberately considered. He begged leave however to allude to one thing that had fallen from the honourable gentleman, before he had done with his reply. The honourable gentleman had talked of tests to members of parliament being unconstitutional. He begged leave to say, that though they had been talked of, they had not been adopted but in three places, Yorkshire, Middlesex, and the city of Westminster. [Here Sir Joseph Mawbey said, and Surry.] Well, then, four places have agreed to tests. But, continued he, suppose them general, is it remarkable that those who are going to vote for members of parliament, should be desirous of knowing the sentiments of the person they are to elect, upon any particular and important subject that is to come under parliamentary discussion? Take the American war for instance; it will serve the purpose of illustration as well as any other subject; suppose then, a person is to give his vote for a member of parliament at a general election, and that the great subject of parliamentary discussion is, whether we should go to war with America? Would it be unreasonable for the elector to endeavour to discover, whether the person he was to vote for, was for or against the American war? A test, then, is only a means to come at the opinion of those we are to choose for members of parliament.

He then went on to the discussion of the subject, as he had

considered it independent of reply, in which he threw out a great variety of matter, both relative to the propriety of the motion, and the intention of ministers to frustrate the redress of grievances, and establish arbitrary power; and added many observations on the means they had taken to vilify Opposition; together with many arguments to induce the 233 to vote with him.

The ministry themselves, and their prostitute followers, he said, had spared no pains, had scrupled at no means to traduce, calumniate, and lower the character of those who opposed them. They had aimed their poisoned arrows at them equally as public men and private individuals. They had raked into every part of their lives to find some personal weakness, in order to use it as an instrument of calumny. The follies of youth, and the foibles of age, had been held out to the public as the most enormous crimes. Some had been abused for being too rich, others for being too poor. Even the indiscretions of some had been brought forward against all as serious accusations. Nor had this task been undertaken by the lowest of the tribe of abusers; grave and distinguished characters, men elevated in rank, and exalted in station; men in high office had harangued a great assembly, one of the highest assemblies in the kingdom, on those indiscretions. The Earl of Hillsborough had done this. The Earl of Hillsborough, who had reprobated the conduct of the House of Commons on the most important occasion, and who, when perhaps the House of Commons most deserved the applause and gratitude of the people at large, had deemed that conduct the phrenzy of virtue, and virtue run mad, had contrasted a public mischief with a private vice, and had set up the gaming of individuals with their own fortune, against the gaming of public men with the public purse. He was as ready as any man to own that gaming was a vice, but surely he had a right to say, it was a vice countenanced by the fashion of the times, a vice into which some of the greatest characters had given, in the early part of their lives, and a vice which carried with it its own punishment, and entailed a curse upon those who were addicted to it. As public men, he said, Opposition had been deemed a faction, and had been described as a faction of the most obnoxious kind; a faction who were enemies to the welfare of their country. At one time they were called Americans, at another time Frenchmen, at another time Spaniards, and now the phrase was, that they were Dutchmen. In short, they were at all times any thing but Englishmen!

Having delivered the above in the most animated stile of oratory, he declared, that he had been eleven years a member of parliament, and he had lived to see all those principles that

he had been taught by the men who undertook to instruct him in his early youth, when he was yet to learn the duties of a member of parliament, overturned and contradicted. When he came into that House, the noble lord in the blue ribbon taught him to consider the privileges of the House of Commons as the first and most necessary part of the constitution. The noble lord had told him that the House was the palladium of British liberty, "there it was that the rights of the people were to be supported, and the privileges of the House of Commons were to be maintained, and to be kept up, because it was in that House that the liberties of the people of England were to be preserved!" Good God, how had the noble lord kept to that principle! How basely had he deserted that ground, and left the privileges of the House to be trampled upon! How was the doctrine changed with respect to the other House of Parliament! It was not many years since that House had solemnly voted it improper for them to take into consideration any thing relative to the right of the seat of a member of the House of Commons. How had they changed their conduct and opinion by the rejection of a bill that related to the members of the House of Commons alone! And if he was to judge from the protest of the Lords, on the rejection of the Contractors' bill, and he conceived he was intitled to judge from that protest, the Lords had rejected the bill upon reasons the most futile, the most ill-founded, that could well be imagined; but did not every part of that business shew that ministerial influence had interfered, that the noble lord in the blue ribbon had rejected that bill contrary to the sense of the majority of hereditary and independent peers, and that the rejection had been carried by the Scotch lords and the bench of bishops? Gentlemen argued about the right of the House of Lords; they had a right, but would it be permitted, would it be allowed by that House, would the other House dare to counteract the wishes of the people in matters in which they themselves had no concern?

He said the vote of the 6th of April, that glorious vote which established a foundation for the liberty of this country, could not be carried into execution without agreeing to the present motion. He therefore argued, that the 233 gentlemen who had voted that the influence of the crown had increased, and ought to be diminished, must adopt the present motion as the only means of carrying any thing into execution. For what was the situation of those gentlemen and of that House?—They had pledged themselves in the most solemn manner to redress the grievances complained of in the petitions of the people of England. Like the case of an individu-

dual who enters into a bond to pay a sum of money, or incurs a penalty, they had solemnly entered into a bond with the people of England, to reduce the undue influence of the crown, and to destroy that enormous overgrown corruption, and the penalty, in case of non-performance, was a forfeiture of the affections of the people of England. That most dreadful calamity, that most melancholy circumstance that could attend a House of Commons, the loss of the affections of those for whose advantage, and to promote whose happiness they were chosen, would be the fatal consequence of not fulfilling the conditions of the bond into which they had entered! But, said he, it is impossible that this can take place. 'Magna est Veritas et prævalebit.' The truth of what that House had determined, the solemn manner in which they had declared influence too great, and consequently dangerous, must prevail over every attempt to corrupt; and those who had solemnly bound themselves to redress the grievances complained of, would, in the end, overcome the purchased votes of a minister.

He answered the objections made to the motion on the ground that it tended to an infringement on the king's prerogative, by shewing, that so far from assuming any power derogatory to that prerogative, it fully acknowledged it; and in reply to the argument urged against the motion, on the idea that parliament might, if the motion were carried, continue sitting for two years together, he said those fears were groundless and absurd, for that parliament would die a natural death in October 1781; and as the motion only proposed that the House should sit, till proper measures were taken to diminish the influence of the crown, and correct the other abuses complained of in the petitions of the people; it was in the power of the House to put an end to the session, whenever it pleased, and if heartily and sincerely disposed to listen to the voice of the people, a very short time would suffice for effecting all that was necessary.

There was an old precept, he said, which in one sense was profoundly wise and admirable, but which in that in which administration practised it, he detested as the most destructive and wicked principle of government. In the opposite sense, in that in which he could explain it, he revered and respected it as one of the best maxims that could direct the conduct of mankind. *Divide et impera*, in the common acceptation of the words, and as those who advised his majesty had adopted them, was the miserable principle to which he traced back all the innumerable calamities of this unfortunate reign. It was to that diabolical principle of divide and conquer, as practised, not against the enemies but the friends of the constitution, that had produced our present situation, which a noble lord

(Earl Nugent) who spoke early, so well described—a ruinous war, a bankrupt treasury, and an impaired constitution! But as he would explain it, it was a principle that would establish freedom, maintain the constitution, and promote the happiness of England. To divide the good from the bad, to separate those who loved the constitution from those who abused it, to divide the uncorrupted and the virtuous from the bought and corrupted, to divide those who loved freedom, from those who wished the establishment of despotism—such a division, forming an union of the great and good, would lay the foundation for all those reformations that were necessary to restore the freedom of an impaired constitution. But the wicked system (a system as weak as it is wicked) of those who had divided every other part of the empire, and now wished the division of the people of England, in order to maintain that fatal power which had cursed this country, and reduced it to its present melancholy situation, was to be withstood. He trusted, therefore, that 233 honest and unbought men would not allow themselves upon this occasion to be operated upon by that weak and wicked maxim, but that pledged as they were to the people, they would fulfil every engagement they had brought themselves under.

He interspersed these observations with frequent replies to Mr. Adam, particularly upon the argument he had made use of to shew, that the negativing the present question did not infer a necessity of adopting the measure of immediate dissolution or prorogation. This he answered by saying, that it did however leave an administration, hostile in every point to the petitions of the people, with the power of prorogation and dissolution in their hands, if they chose to make use of it. He likewise made some observations upon annual parliaments and increased representation, not supporting them, though at the same time not condemning them, but rather stating that the present motion was unconnected with that consideration. He then went again into the doctrine of the popularity and unpopularity of Opposition; he reprobated the attempts of ministers to abuse them by means of the press, and thanked God they had overcome all their calumnies, and were now as popular as their enemies wished them the reverse. He said, with respect to the American business, he rather believed that they had not acted at first altogether agreeably to the popular opinion; but if they were on that ground an unpopular opposition, he gloried in the circumstance, if he considered it as a party man, but he regretted it as an Englishman. Had not every event proved, had not the conviction of that House, had not the conviction of the country, and the scandalous disgrace of the present ministers, who had given

up every point they had formerly contended for, proved, that though unpopular, they were right in all their opinions? The glory of Opposition, therefore, was the disgrace and ruin of Great Britain; points which every true Englishman must regard with horror, and in whose eyes all ideas of popularity must appear insignificant, and trifling indeed, when seriously compared. This ground he laboured with his usual vehemence and ability, and concluded for the motion, as being so material for the great object the House had pledged itself to, that he could not bring himself to believe that it would be refused.

The motion was reprobated by Lord George Germain, as an improper mode of abridging the royal prerogative. Mr. Dundas ridiculed it as a recruiting officer sent out by Opposition to beat up for grievances, and enlist motions. At eleven o'clock the House divided.

YEAS { Sir James Lowther / Mr. Byng } 203.——NOES { Mr. Gascoyne / Mr. Robinson } 254.

Mr. Dunning's motion was consequently negatived.

As soon as the members were told into the House, several gentlemen repaired to the table, to settle the orders relative to their respective propositions before the House; among the rest Mr. Dunning moved, that the committee of the whole House, to take the petitions of the people into consideration, be deferred till that day se'nnight; and Mr. Burke, that the committee on the civil list bill be deferred till Friday next. The House began to thin apace, particularly from the Opposition side; when

Mr. Fox rose. He said he had a few words to offer, which he wished gentlemen who acted with him should hear before they went away. He said, the call of the House, which stood for that day, and which he promised to have strictly enforced, would, he believed, be better postponed, as numbers had quitted the House, forgetting that their presence was necessary while their names were calling over. He had resolved, in his own mind, to move the order of the day should his learned friend's motion be negatived; but as he understood that his learned friend had moved to have the committee on the petitions deferred till Monday next, he thought it better to make one further trial, as well out of respect to his learned friend and some other gentlemen who had taken an active part in the petitions, as to give those gentlemen who had separated from their friends on the question just decided, an opportunity of fully and unequivocally declaring their real sentiments; for he could not believe that it was possible for those who supported the resolutions of the 6th of April, no sufficient cause nor

colour or shadow of apology intervening, to desert and reprobate the principles which they maintained on that ever memorable night."

He was proceeding, but during the whole time he was on his legs there prevailed a shameful disorder in the House, great numbers standing and talking on the floor, and about the table. Sir Thomas Frankland during this confusion called frequently to order, as did likewise the Speaker, but to little or no effect. At length Sir Thomas called on the Chair to exercise its authority, and if possible to restore order. The Speaker then called on every side of the House with great vehemence; commanded the serjeant to clear the bar, and insisted that gentlemen should take their places. Order was not yet restored; at length

"Mr. Fox rose, and the members taking their places, as he entreated an hearing, he said, since he had first sat in that House he never felt himself so hurt, mortified, and filled with indignant resentment as he had done that night; so much so, that, but for the circumstance already alluded to, relative to his learned friend, and his adjourning over the committee, he, for one, was determined, so far as related to himself, to adjourn over the business of the present session, and never more enter that House, so long as the majority entertained similar sentiments to those they apparently embraced by the vote they had given that night. It was a scandalous, treacherous and disgraceful vote [called to order by the Treasury-bench.] He did not mean to say that it was scandalous or disgraceful in those who opposed the vote of the 6th of April to oppose the address moved by his learned friend; on the contrary, he thought they acted consistently, like men. Most clearly those 215 gentlemen who declared their opinion that the influence of the crown was not increased, and ought not to be diminished, had pursued an open, direct, and consistent conduct: they differed from him; he was sorry for it; but they differed from him upon principle. They declared roundly and expressly what they thought upon the subject; and they would have been guilty of the most shameful versatility had they abandoned that principle which they had so recently avowed. But who could contemplate, but with a mixture of surprize and indignation, the conduct of another set of men in that House, who on the same night resolved that the influence of the crown was increased, and ought to be diminished, and that the grievances and complaints of the people ought to be redressed; and who pledged themselves to that House, to the nation, to their constituents, to the people at large, and to themselves, that it was their duty to redress the grievances complained of; but who on the only two occasions that offered, shamefully fled from

that solemn engagement, by rejecting the means proposed! It was shameful, it was base, it was unmanly, it was treacherous. The gentlemen he alluded to surrounded him; they sat on his side of the House; he was sorry for it. They were those who voted with him on the 6th of April, and who voted with the minister that night. No man held those who were at the devotion of the minister in greater contempt than he did; they were slaves of the worst kind, because they sold themselves; yet, base as the tenure of their places was, they had one virtue to pride themselves on, that of fidelity, gratitude, and consistency; to all their other demerits they had not added the absurdity and treachery of one day resolving an opinion to be true, and the next of declaring it to be a falsehood. They had not taken in their patron, or their friends, with false hopes, and delusive promises. Whatever their motives or sentiments might be, they had adhered to them, and so far as that went their conduct was entitled to his approbation. He could forgive the man he saw voting regularly with the minister, through thick and thin, upon every question; he could behold him, in his servile state, with pity, he could forgive him for cringing and bowing at the levee of the prince or the minister, without exciting in his breast any other sentiment; but on the other hand, when he beheld the conduct of some men, affecting different principles, supporting a minister who had very fairly, he would acknowledge, opposed and denied that the influence of the crown was increased, and ought to be diminished, it filled him with horror. What breast but must be filled with the warmest sentiment and the keenest contempt to see those who pretended that the complaints of the people ought to be redressed, that the influence of the crown had increased; who had pledged themselves that they would reduce one, and remove the cause of the other, vote in a majority with those who denied that either existed, and that the petitions were only fabricated by faction, and ought not to be attended to! He was at a loss for words by which he could give vent to what he felt on the occasion. Why had not those who voted on the 6th of April in the majority, explained themselves? If they approved of the general tendency of the resolutions, why had they not proposed some effective measures? Why had not they described the fabric they meant to raise, or which they wished to have erected on that basis? Why did not they, when propositions were moved, which they could not approve of, manfully stand forth in support of their own sentiments, and declare to those who united in opinion upon the general declarations contained in the resolutions, then moved and carried; "We agree with you, respecting the

ground-work, but as to the propositions you would raise upon it, we differ totally with you. We meant this, and not that; we will agree with you in such and such measures, but we must dissent from those you now offer." This, in his apprehension, would have exculpated them from all blame; would have wiped away all suspicion. A difference of opinion might arise, but it would be such a difference as was agreeable to that liberty of assent and dissent which every man was entitled to, whose opinion could be deemed free. But, to agree to certain general propositions, and to refuse to propose any effective ones, or agree to those offered, was a paradox, he believed, in party and politics. It was taking in their friends. He was taken in, deluded, and imposed on. [A loud laugh from the opposite benches.] He acknowledged it; for, in his conscience, he thought the assistance of such men did more harm than good. It tended to lull the nation into a dangerous security, to impose on the petitioners, and, in short, to spread through the nation every species of popular delusion.

He thought it his duty, while on his legs, to declare, that the defection which he had alluded to, originated chiefly among the county members, many of them of great weight and respect; but however high they might stand in the estimation of their friends in their counties, or in that House, he should ever judge of men by their conduct, and not by their professions. He doubted not but they had their reasons for voting contrary on one day to what they had resolved the preceding. The last vote, most probably, was agreeable to their real sentiments; the vote of the 6th of April was to answer ends merely personal. We were on the eve of a general election; the gentlemen alluded to would soon go down to their constituents: the first and most natural question would be, "What have you done in consequence of our petitions? Is the influence of the crown diminished? What redress have you procured for us? Has a more econominal expenditure of the public money been determined upon and adopted? Have our burdens been lightened? Are all useless and sinecure places abolished? And have you established a reform in the expences of the king's household?" "No: but look at the resolutions of the 6th of April; you will there find that I and my colleague have voted, that the influence of the crown has increased and ought to be diminished; you will find it likewise resolved, on the same day, by me and 232 other friends of their country, that it was our duty to redress the grievances stated in the petitions." He trusted, however, that such gross tergiversation would never pass without detection, nor fail to be followed by the indignant contempt with which it deserved to

be treated. He did not yet despair but the people would not only continue to see their own interest, which they had already done, but that they would besides know how to distinguish between their open friends and foes, and learn to discover their worst of enemies,—their concealed ones. From their open ones they had nothing to fear or hope: by their secret and determined enemies they might be deceived; they had been often betrayed by them; but he hoped they would not be able to do it now, by votes which meant nothing if not followed up by efficient measures, and worse than nothing, when thus shamefully abandoned almost in the very instant in which they were given.

For his part, he was determined, after Monday next, to absent himself from that House. He would make one trial, one effort more, in expectation that those who had deserted their principles would endeavour to retrieve their public character. If that last effort should miscarry, he should then know what to do; he would exert himself without these walls, as he had continued to do within them, as long as he expected that any benefit could be derived from it. He presumed his learned friend would propose some measure which would come in the form of an ultimate test; for his part, he should propose none himself, though he would support any which might be proposed, to the best of his abilities. If this last trial should meet with a similar fate to that of his learned friend's motion that night, he would quit that House, and leave ministers responsible for the consequences. [A great cry of hear! hear!] He was persuaded that the gentlemen who cried out so vociferously in the exultation of victory, hear! hear! would be very glad of it; but he begged leave to assure those gentlemen, that not one of them wished more sincerely for such an emancipation from a fruitless attendance there than he did. If those gentlemen, however, imagined that his future conduct would be directed to measures promotive of public confusion, they were very much mistaken; the people had resources still left; they were furnished by the constitution. A general election was approaching, and then the people, by the choice they might make, would have it in their power to obtain that redress, by sending only such representatives to parliament as entertained sentiments congenial to their own. There would be no occasion for armed committees or warlike associations. The constitution was not so imperfect as to compel men to take arms in support and defence of their rights: the means which a general election gave them were strictly consonant to peace and good order; and if those means were resorted to, and judiciously and firmly exerted, he did not despair; nay, he was perfectly

convinced, that the next parliament would give that redress to the complaints of the people which every good and independent man wished for, and which it would not be in the power of the influence of the crown to defeat or prevent.

Lord North extended the protection of his eloquence to those who had drawn on themselves this severe attack. He said, Mr. Fox's language was such as no provocation could justify; it was indecent and improper; an invective, and not a parliamentary speech. He bantered the leader of Opposition with considerable humour and effect, on his irritability at finding himself in a minority again, after having, for a short moment of his life, been in a majority, and contrasted it with his own philosophical calmness, when he stood in so unexpected and novel a situation. He did not think himself justified in rising in the anguish of defeat and disappointment, and accusing those who had frequently voted with him, of baseness, treachery, versatility, and other improper motives, and he advised Mr. Fox not to be, for the future, so rash and hasty.

Mr. Fox rose to explain what he meant by the words base, scandalous, and disgraceful, as applying to the vote given by those on the 6th of April who divided against the motion made that night by his learned friend. He said, when he made use of those epithets, he applied them in this, and in this way only. He did not mean to say that they had acted disgracefully, shamefully, &c. that night; he meant to convey this idea, that the gentlemen who voted on the 6th of April, that the influence of the crown had increased, and ought to be diminished, and that it was the duty of that House to redress the grievances complained of in the petitions, were bound and stood publicly pledged to perform one or the other of these two things; to support such measures as might be suggested in consequence of those resolutions; or if they appeared to be such as they could not conscientiously vote in support of, that then they were bound to propose some other resolutions or measures, conformably to the ideas they entertained when they gave the vote of the 6th of April. If they refused to do that, or neglected in time to do it, so as that the measure proposed might at the late period of the session have a fair prospect of passing into a law before any prorogation or dissolution of parliament should take place; in such a possible event he was prepared to re-assert and repeat, that a conduct of that kind amounted to an abandonment of their declared principles, of their solemn promises plighted in that House to their constituents and the people at large; and in that light were scandalous, base, treacherous, shameful, and disgraceful.

Bill for shortening the Duration of Parliaments.

May 8.

MR. ALDERMAN SAWBRIDGE moved for leave to bring in a bill for shortening the duration of parliaments. Earl Nugent opposed the motion, and asked if they were prepared just then to take away from the crown the right of appointing sheriffs for the counties? And if they were not, the power of the crown, he said, would be considerably increased, if parliaments were either annual or triennial. He had conversed with Mr. Speaker Onslow on the subject of triennial parliaments some years ago, and that great man had told him the proposition was an absurd one; because if it were adopted, the first year would be taken up wholly in hearing petitions on elections; in the second year the House would be able to do business; and in the third, the members would principally be engaged with soliciting votes, and making interest against the next election. Annual parliaments he objected to, as totally impracticable in the present state of public affairs. Mr. Thomas Pitt said he was fully convinced, that, so far from diminishing the influence of the crown, annual or triennial parliaments would considerably increase it. The influence of the crown was not confined within those walls; if it were, we should be a great and happy people. It was the influence of the crown without doors that was so alarming. The increased public revenue was the great source of influence. Had gentlemen forgot how many great families even now were ruined by their endeavours to get into that House, and had spent their whole fortunes in election contests? Was it to be learnt how hard would be the case of every honest, independent country gentleman, if the minister was to have the power of starting a court candidate against him every year, or every three years? What fortune could bear the expence?

Mr. Fox said he should be under the necessity of speaking more fully to the present question than he otherwise would do, because, as he had for years voted uniformly against the question, and as he meant now to vote for it, it was due to the House, and due to his own character, that he should state the reasons of this difference of conduct. He said, he revered those wise and great men who brought in the Septennial Bill; because the principle on which they acted, in promoting that measure, was every way laudable, and every way justifiable. At the time of the passing of this bill, the House of Brunswick had been just called to the throne, by the unanimous voice of the people, in defence of their liberties, and in order to protect them from the alarming attempts of a pretender, whose family was deservedly become odious for their tyranny, and by their repeated endeavours to subvert

the constitution, to change the religion of the country, and to bury the liberties of the people under the fabric of arbitrary power, which it had been their constant wish to introduce and to erect. George the First was a prince beloved by both Houses of parliament, and looked up to as their guardian and protector; it was very natural, under these circumstances, to take every precaution to keep out a third person, a pretender to the throne, and to maintain the House of Brunswick in possession of it. With this view it was, that the three branches of the legislature had agreed to take such measures as were most likely to exclude the pretender. And what measure could promise to be more effectual than the passing of the Septennial Bill? Thereby keeping together that Parliament who were so well disposed towards George the First, and who doubtless had no idea that a day could ever come when the liberties of the people would be in danger from the House of Brunswick; who never could suppose that the influence of the crown would be so increased in the reign of a prince of that House, that it should be voted by the House of Commons, that it had increased, was increasing, and ought to be diminished. They had therefore acted wisely, and he had ever admired and revered such men. It was from this admiration and this reverence, that he had uniformly voted against shortening the duration of parliament. But what was the case now? The people of England, in whom the sole right of the duration of parliament lay, called upon that House to shorten it. The people of England made this requisition—a requisition which they alone could make, and which, like every other requisition that came from the same quarter, he should ever hold himself bound to comply with, and to obey.

He then answered Lord Nugent's question about the sheriffs, and said, undoubtedly if the bill now moved for should be passed, an act must necessarily pass to make that alteration. He also turned off the objection urged by Mr. Pitt, relative to the frequency of elections, and the enormous expence which would unavoidably follow to private families, and honest and independent men, if parliaments were chosen either annually or triennially; shewing, that even now parliaments had no certain time of duration, for that it was in the power of government to put an end to them, whenever it should be most for the purpose of government so to do; and that consequently government might harass individuals at present, as much as they could do then. One of the arguments upon which Mr. Fox principally rested was, that annual parliaments would lessen the influence of the crown, declaring, that if any of his constituents were to ask him what

our present misfortunes were ascribeable to? he should say, the first cause was the influence of the crown, the second, the influence of the crown, and the third, the influence of the crown; to that, and that only, in his mind, could it be owing, that an unpopular and unsuccessful ministry, whose measures had ruined their country, kept their offices. He ridiculed Mr. Onslow's opinion as stated by Lord Nugent, and said, that the noble lord's whole speech was a sample of that contemptuous conduct, which ministry assumed whenever they thought themselves secure; their way constantly was to be afraid, when they first heard of any thing that looked like danger approaching them, and as soon as they began to think themselves safe, to turn the object of their former terror into derision. So it was with the petitions of the people; at first nothing could be more humble than the language of ministers respecting them; they had promised every thing; but now having again their majority, they affected to laugh at, and to deride that, which they had most seriously dreaded.

The motion was also supported by Colonel Barré and Mr. Thomas Townshend. Lord North, Mr. Rigby, and Mr. Burke spoke against it. After which the House divided:

	Tellers.			*Tellers.*	
YEAS	Mr. Sawbridge, Mr. Byng	90.	NOES	Sir Ralph Payne, Mr. Robinson	182.

So it passed in the negative.

REPEAL OF THE BILL FOR THE RELIEF OF ROMAN CATHOLICS.

June 20.

THE House resolved itself into a committee of the whole House, to take into consideration the numerous petitions against the act of the 18th of his present majesty, intituled, "An Act for relieving his majesty's subjects professing the popish religion, from certain penalties and disabilities, imposed on them by an act made in the 11th and 12th of the reign of William the 3d, intituled, An Act for the further preventing the growth of popery." In order to quiet the minds, and to remove the apprehensions, of such well-meaning but ill-informed persons, as might be among the petitioners, the following resolutions were moved by Lord Beauchamp: 1. "That it is the opinion of this committee, that the effect and operation of the act passed in the 18th year of the reign of his present majesty, intituled, "An Act for relieving his majesty's subjects professing the popish religion, from certain

penalties and disabilities, imposed on them by an act made in the 11th and 12th years of the reign of King William the 3d, intituled, An Act for the further preventing the growth of popery," had been misrepresented and misunderstood. 2. That the said act, passed in the 18th year of the reign of his present majesty, does not repeal or alter, or in any manner invalidate or render ineffectual, the several statutes made to prohibit the exercise of the popish religion, previous to the statute of the 11th and 12th years of King William the 3d. 3. That no ecclesiastical or spiritual jurisdiction or authority is given, by the said act of the 18th year of the reign of his present majesty, to the Pope or the See of Rome. 4. That this House does, and ever will, watch over the interests of the protestant religion with the most unremitted attention; and that all attempts to seduce the youth of this kingdom from the established church to popery, are highly criminal according to the laws in force, and are a proper subject of further regulation. 5. That all endeavours to disquiet the minds of the people, by misrepresenting the said act of the 18th year of the reign of his present majesty, as inconsistent with the safety, or irreconcileable to the principles of the protestant religion, have a manifest tendency to disturb the public peace, to break the union necessary at this time, to bring dishonour on the national character, to discredit the protestant religion in the eyes of other nations, and to furnish occasion for the renewal of the persecution of our protestant brethren in other countries." There was rather much discourse than debate upon the subject, very little having been said on the part of the petitions. The question was, however, solemnly, and very largely spoken to, and with the greatest eloquence. The chief speakers were Lord North, Lord Beauchamp, Sir George Savile, Mr. Wilkes. Mr. Burke, and Mr. Fox. These two latter spoke for three hours each. For the first time they all spoke on the same side; and supported the doctrine of toleration, on grounds much larger than those on which the bill complained of stood. In the course of the debate,

Mr. Fox said, that his objection to the House of Stuart, had he lived at the period of the revolution, would have been, not because that House had embraced popery, but because popery had embraced the House of Stuart; that the latter was supported in its attempts on the liberties of the nation, by popery in general. But now there were no such dangers to be apprehended; the pretender was out of the question; besides, every papist was obliged to abjure the pope in temporals, before he could avail himself of indulgencies. He could not think the popish religion incompatible with government, nor civil liberty; because, in looking round the world, he saw that in Switzerland, where democracy reigned universally in the fullest manner, it flourished most in cantons professing that religion. He was a friend to universal toleration, and an enemy to that narrow way of thinking, that made men come

to parliament, not for the removal of some great grievances which they themselves felt, but to desire parliament to shackle and fetter their fellow subjects. He wished to know the number and sort of names affixed to the petitions which desired persecution, and called upon the House for an exercise of its judgment merely, instead of desiring grievances of their own to be removed. He wished to know who the petitioners were. He observed that many signed their marks; and saw that men who could neither read nor write, found their blood fired that a Roman Catholic should read and write! He confessed he had no predilection for the signatures of the clergy; for he was convinced, that if at the period of the reformation their opinions could have decided, we should have had no reformation! It was not likely that men whose interests in general were against the reform, should have been eager to obtain it. He went through a variety of reasons in favour of general toleration, and declared himself against the repeal of the bill, and against every thing that had the least tendency to bridle and restrain liberty of conscience.

The resolutions were agreed to by the committee, and Sir George Savile was instructed to move the House, for leave to bring in a bill for affording security to the protestant religion from any encroachments of popery, by more effectually restraining papists, or persons professing the popish religion, from teaching, or taking upon themselves the education or government of the children of protestants. The bill passed the Commons, but was thrown out by the Lords as unnecessary.

Mr. Thomas Grenville's Amendment to the Address on the King's Speech at the Opening of the Session.

November 1.

THE King opened the New Parliament with the following Speech to both Houses:

"My Lords and Gentlemen; It is with more than ordinary satisfaction that I meet you in Parliament, at a time, when the late elections may afford me an opportunity of receiving the most certain information of the disposition and the wishes of my people, to which I am always inclined to pay the utmost attention and regard. —The present arduous situation of public affairs is well known; the whole force and faculties of the monarchies of France and Spain are drawn forth, and exerted to the utmost to support the

rebellion in my colonies in North America, and, without the least provocation or cause of complaint, to attack my dominions; and the undisguised object of this confederacy manifestly is to gratify boundless ambition, by destroying the commerce, and giving a fatal blow to the power of Great Britain.—By the force which the last Parliament put into my hands, and by the blessing of Divine Providence on the bravery of my fleets and armies, I have been enabled to withstand the formidable attempts of my enemies, and to frustrate the great expectations they had formed; and the signal successes which have attended the progress of my arms in the provinces of Georgia and Carolina, gained with so much honour to the conduct and courage of my officers, and to the valour and intrepidity of my troops, which have equalled their highest character in any age, will, I trust, have important consequences in bringing the war to a happy conclusion. It is my most earnest desire to see this great end accomplished; but I am confident you will agree with me in opinion, that we can only secure safe and honourable terms of peace by such powerful and respectable preparations, as shall convince our enemies, that we will not submit to receive the law from any powers whatsoever, and that we are united in a firm resolution to decline no difficulty, or hazard, in the defence of our country, and for the preservation of our essential interests.

"Gentlemen of the House of Commons; I have ordered the estimates for the ensuing year to be laid before you. I see and feel, with great anxiety and concern, that the various services of the war must, unavoidably, be attended with great and heavy expences; but I desire you to grant me such supplies only, as your own security and lasting welfare, and the exigency of affairs, shall be found to require.

"My Lords, and Gentlemen; I repose an entire confidence in the zeal and affections of this Parliament, conscious that, during the whole course of my reign, it has been the constant object of my care, and the wish of my heart, to promote the true interests and happiness of all my subjects, and to preserve inviolate our excellent constitution in church and state."

An Address, adding the usual reassertion of all the propositions contained in the above speech, and such compliments as the events of the day suggested, was moved for by Mr. De Grey, and seconded by Sir Richard Sutton. An amendment was moved by Mr. Thomas Grenville, and seconded by Colonel Richard Fitzpatrick, proposing to leave out the whole address, excepting the complimentary part, and to substitute in the place of the subsequent clauses these words, "That in this arduous conjuncture we are determined to unite our efforts for the defence of this our country; and we beg leave to assure your majesty, that we will decline no difficulty or hazard in preserving the essential interests of this kingdom." The amendment was opposed by Mr. Pulteney, Sir Horace Mann, Mr. Welbore Ellis, and Lord George Germain; and supported by Mr. Thomas Townshend, Mr. Fox, Admiral Keppel, General Smith, and Alderman Newnham. The friends of administration inferred topics of consolation from the heteroge-

neous combination of France and Spain with America; the impossibility of cordiality in such an union, or of happy results to a cause, supposed to be that of liberty and the protestant religion, when protected only by bigoted catholics, and powers from whose vocabulary the word freedom was expunged. It was represented as a great advantage that England was without allies; since no league against a power compact within itself, and combining its energies by unanimity of council, had ever yet been crowned with success. The contest with America was represented as more prosperous than at any previous period since the convention of Saratoga. General Smith denied the assertion: the circumstances of the country, he said, were infinitely worse; and, since the affair of Trenton, every military man had clearly discerned, that all attempts to subdue America were fruitless prodigalities of blood and treasure.

Mr. Fox rose just as the question was about to be put; and, in a speech of considerable length, went over the whole ground of complaint which had been urged by Opposition against the King's servants, as well respecting the conduct of the American war, as with regard to a great variety of other topics.

He began with observing, that the amendment moved and seconded by his two honourable friends, had been very ably supported by them; and that no answer whatever, at least nothing like an argument, had been advanced against it. The best thing that had been attempted to be urged in support of the address, was what had fallen from the right honourable gentleman over the way (Mr. Welbore Ellis), namely, that it was something like the amendment. That, however, certainly was not a sufficient reason to induce the House to prefer the address to the amendment, if they meant to convince the people at large that they were governed by reason and fair argument, and not by private motives, and that undue influence, which the last parliament, almost in its last moments, had declared "had increased, was increasing, and ought to be diminished." The address, he said, it was true, did not directly pledge the House to go on with the American war, but considered altogether, it amounted pretty nearly to that idea. Ministers had thought proper to word it differently from the address agreed to by the other House on the 1st instant. The lords in their address, had expressly declared their readiness to go on with the war. Ministers had shewn so much deference to that House, that they had not in the address which had been then read, pledged the House directly; but then gentlemen would observe, that in a subsequent paragraph, the matter was brought in; and upon the whole, there was sufficient cause for suspicion and distrust,

sufficient cause to fear that ministers meant to plunge this country deeper in ruin, than they had already sunk it, by a continuance of that mad war.

With regard to the King's speech, which for the sake of freedom of debate, was properly termed the speech of the minister, was there in it one gleam of comfort, one hope, or the least prospect of better conduct in the King's servants? Did it not begin with assuring parliament, that his majesty wished to know the sense of his people, and in the same paragraph, did it not contain the greatest mockery and insult upon the people, by telling them that his majesty hoped to receive the information he wished for through the medium of the late elections? Were those elections free? Was the dissolution previously announced, the time of it properly chosen? He hoped to God this circumstance would become the subject of an enquiry in that House, and that it might be known which of the King's servants it was, who had dared to advise his majesty to dissolve his parliament just when the dissolution took place: a time when most gentlemen were taken by surprize. To him, indeed, it had no such effect: he had long accustomed himself to watch the measures of administration, he knew the ministers thoroughly, he understood their designs, and he was aware, that if one moment was less propitious to the people, and to the freedom of election, than another, that was the moment most likely to be chosen by them for the dissolution of parliament. He had, therefore, expected it even before it happened, and he should not have wondered, if it had taken place in the midst of the harvest. As it was, it took place when the majority of that House, especially of those who had uniformly opposed and reprobated the mad and destructive measures of ministers, were in camp, and at a considerable distance from the places they represented; so that instead of consulting the wishes of the people, instead of rendering it as little injurious to the internal peace and quiet of the kingdom as possible, ministers had taken pains to render the dissolution of parliament as calamitous an event as could have happened.

As to the beginning of the address, he said, he had no objection to congratulate his majesty on the increase of his domestic happiness. Long might his domestic enjoyments continue to increase! They were the only enjoyments his majesty possessed. Unfortunate in every other respect, unfortunate abroad, and unfortunate in the conduct of civil affairs at home, he was happy in domestic life; and on this happiness in his family, he would congratulate his majesty sincerely. But at the present moment of embarrassment and distress, when the brightest jewel was torn from his diadem, when

America was dissevered from the British empire, never to be re-united; when discord and dissention raged among those parts of the empire which yet remained, but which seemed prepared for revolt, to approach the throne with gratulatory addresses, was not loyalty, but cruel mockery and insult. But what said the honourable gentlemen over the way? "Will you refuse to acknowledge, with gratitude, the blessings we enjoy under his majesty's government?" How long, replied Mr. Fox, shall the sacred shield of majesty be interposed for the protection of a weak administration? This word majesty was a kind of hocus pocus word, which was turned into all shapes, and made subservient to every legerdemain trick, and every illusion which convenience dictated. If by the "blessing of his majesty's government" were understood his majesty's virtues, he was ready to acknowledge his majesty's personal virtues with respect and with reverence. But if by the blessings of his government he was to understand the acts and projects of his majesty's ministers, he detested and reprobated them. The present reign had been one continued series of disgrace, misfortune, and calamity. What blessings were we called upon to recognize in the address? First, the happy effect of this new parliament, in giving his majesty an opportunity of knowing the sentiments of his people. As an honourable friend of his had asked, was there no trick, no deceit used in order to garble a new parliament? In words, ministers disclaimed the abridgement of the duration of septennial parliaments; in actions they approved it. He did not expect ever to see a septennial parliament die a natural death. Six years ago he had the honour to sit in that House, when the subject of debate was precisely the same that it was that night, namely, the justice and expediency of prosecuting the American war; and he made no doubt, but that if he should have the honour to sit in the next parliament six years hence, at the opening of it, the same subject would be under discussion. It would have been presumption in him to have made such a prediction six years ago, and nobody would have credited him. Past experience now made it no longer so, and therefore he scrupled not to prophesy, that if the war was continued, its propriety and its expediency would be the subject of discussion on the first opening of the next parliament. What had we gained by the American war in that period? We had exchanged Boston for New-York, and Philadelphia, the capital of Virginia, for Charles Town, the capital of South Carolina. Oh! but we had gained of late a most signal victory at Camden. Generals Gates and Sumpter had been routed by Lord Cornwallis and Colonel Tarleton. These victories were but omens and forerunners of greater

ones. Such was our sanguine expectation, when in the beginning of the war the British troops defeated the Americans on Long Island. The success of Brandywine was to be followed by the immediate reduction of the provinces, and not a rebel was to be seen in all the continent of North America.

The taking of Ticonderoga was a splendid affair; and that, too, was to be followed by the most important consequences. The event perpetually belied our sanguine predictions, yet now, with all our experience, we talked of following up with alacrity, our late victory in Carolina. That victory was a glorious one, he readily allowed, to the general officer, and all the officers and British troops who gained it; but the glory of that victory was due to the army only, and the disgrace of reducing Lord Cornwallis to that dangerous situation which made his victory a miracle, was the minister's. The only fruit of the reduction of Charles Town, was the dangerous situation that led necessarily to the engagement. The success of that engagement was owing to the army. That affair seemed farther alarming to him in another point of view. It was a proof that the majority of the Americans were not, as had been said, friendly to this country; but, on the contrary, that they were almost unanimously attached to the cause of Congress. For no sooner did General Gates appear among the Carolinians, than those very men flocked to his standard, who had taken the oaths to our government, carrying along with them, the arms that had been put into their hands by our general, which reduced Lord Cornwallis to the cruel necessity of putting them to death, and rendered that a necessary measure, which all who knew Lord Cornwallis, knew must have given him infinite pain. Hence he argued, that every gleam of success had been the certain forerunner of misfortune. The loss of the whole army followed the capture of Ticonderoga; the evacuation of Philadelphia followed other success; and no sooner did we hear of the surrender of Charles Town to his majesty's arms, than we prepared to receive intelligence of some new disaster; and a very short time afterwards, news arrived of the loss of Rhode Island, which he was warranted to say was the only good winter harbour in all America.

Not that he meant to contend, that no advantage was to be derived from the late success obtained by the wonderful good conduct and gallantry of Lord Cornwallis. Great advantages might be derived from it; it might be made the foundation of an honourable and happy peace. Let ministers but seize and improve the advantage, and they would deserve the thanks and applause of their country. But had

they given us any hopes of it? On the contrary, did not the address now moved for, prove to the conviction of this House, that they meant to pursue the war; they dared not give it up; the unpopularity of it was their security; that, and that only, kept them in their places. An honourable friend of his, who moved the amendment, had said, we had fought bravely, we had exerted our vigour, but still our exertions had produced no essential advantage. Other gentlemen had praised the efforts which this country had made in the course of the war, and had argued well from that circumstance, declaring that we had astonished all Europe by our exertions. It was most true. The war was begun madly, the ministers had made war blindfold, and the efforts of this country, so directed, and so planned, like the efforts of a madman, which were always more powerful than those of a reasonable being, had astonished all Europe. But what good had they done? They had only weakened and reduced our resources. They had exhausted the spirits of the people, and had almost annihilated the power of future exertion. An honourable gentleman had said, that it was improper to term the war unjust, excepting only within those walls: he must beg leave to differ with him in opinion. He thought the war unjust, he had said so repeatedly in that House, he had said so elsewhere, and he would say so whenever and wherever he had the opportunity. He would say so to the whole world, if his voice had power and extent enough to communicate the idea. But according to the argument of the honourable gentleman to whom he was alluding, what was unjust in its origin became just in its advancement and prosecution. The honourable gentleman thought now he had got justice on his side, that he had got all. Did the honourable gentleman think that the Americans, once driven by our injustice to assert their independency, ought, in justice, to relinquish that independency, and to alter their established government, and rely on our word for the performance of our promises?

With regard to the argument of another honourable gentleman (Sir Horace Mann) that, without an ally Great Britain had an advantage over a confederacy; if that doctrine were true, Great Britain was the most flourishing nation in the world. The reasoning of his honourable friend, from whom he was sorry to differ in opinion on the present point, from the League of Cambray, was certainly far from being conclusive. For Venice had been left in the circumscribed situation, to which nature had limited her, according to his own words, and such would be the fate of Great Britain; a situation to which it was the express object of the powerful confederacy of France, Spain, and America, to reduce her,

as his honourable friend on the floor had very properly and truly stated. The grand alliance, in the reign of Louis the Fourteenth of France, had not indeed been so successful, on account, he would say, of the impolicy of England, as might have been expected; but it gave a check, a wound, to the growing power of France; a blow from which nothing but the wretched conduct of such a ministry as ours could have recovered it. It was common danger and distress that chiefly endeared nations, as well as individuals, to one another; and this tie, for the present, united the French and Americans in the closest friendship. But if we held out to the Americans something that might be a separate interest, and that might be a security to them, by removing the common danger, we should dissolve the friendship, and have a chance of treating with her.

The honourable baronet who seconded the address, had talked of the good faith of America being plighted to France, and had argued that her obligations to her ally would render her unwilling to treat separately, and that therefore there were no hopes, but from a vigorous war carried on against her as well as against the House of Bourbon. Now, had he held this language himself, and dwelt so much on the good faith of America, it would have been in all the papers to-morrow or the next day, that he was a friend to American rebellion, and to the enemies of this country! But, without ascribing to the Americans any extraordinary degree of gratitude or perfidy, and considering them merely as men, whose conduct would, like that of other mortals, naturally be governed by a mixture of both reason and passion, he thought they might be detached from the cause of the House of Bourbon, by omitting to pursue offensive hostilities against them. What would be the consequence of withdrawing the troops from America? American independence, undoubtedly. This would be the means of obtaining peace. If the American war could be given up without her being independent—let ministers do it; but they could not. They were therefore wasting the blood and treasure of this country, without an object.

He repeated the argument, that ministry had perverted nature, and by their singular ill-conduct of the war, had given France all the advantages of an island, and had reduced Great Britain to the inconveniences of a continent. We were, he said, at a hundred times more expence in our American operations, than they were; and we might carry on the war with greater success, by calling all our forces from America, and pouring them into the French settlements. As it was said in the last war, that France was conquered in

Germany, so, if ever America was to be conquered, it must be conquered in France.

Gentlemen, he observed, had used a great many hard words respecting France. He saw no great harm in it, though it could not answer any very good purpose. It served, however, to bring an old saying to his mind; and old sayings sometimes contained such strong truths that they would occasionally obtrude themselves on men's minds. The old saying he alluded to, was this: "Let us not rail at Alexander, but let us beat him." That was exactly his feeling with regard to the House of Bourbon. He was for beating France rather than for railing at her; and, as he thought the best way to do that effectually, would be to pursue the war with America no longer, he was for turning the arms of this country solely against the House of Bourbon.

The honourable gentleman who moved the address, had bestowed a particular commendation on a long list of officers;

> Quem virum aut heroa lyrâ vel acri
> Tibiâ sumes celebrare? —

above all, he had praised the valour and conduct of Earl Cornwallis, who, he was ready to own, deserved the highest applause. But a right honourable gentleman had asked, would gentlemen refuse to thank Lord Cornwallis, and his officers, for their extraordinary gallantry at Camden? In answer to that question, he for one, made no scruple to declare, that he most certainly would. He would not thank his own brother, who was now serving in America, for any success he might obtain. As long as he lived, he never would join in a vote of thanks to any officer, whose laurels were gathered in the American war; and his reason was, that he hated and detested the war, he regarded it as the fountain-head of all the mischief and all the calamities which this miserable country laboured under at this moment.

He took occasion, in the course of his speech, to advert to many topics not immediately connected with the address. He reprobated ministry for the ill use they had made of the army last summer. The military was, he said, a force at all times inimical to liberty, and therefore it behoved every Englishman to watch the army with a jealous eye. A few months since it was not safe for him, or any man in that House, to speak their sentiments; but now the storm was over, it was their duty to speak out. The army were, it was true, called in upon pressing necessity, and used to great advantage in the metropolis, and so far the matter was laudable; what he alluded to as reprehensible, was, the King's servants having dared to send orders to officers in all the

towns of the kingdom, giving them power to act at discretion, without waiting for the authority of the civil magistrates, and this as well in towns where quiet was perfectly restored and tumult had subsided, as in towns where there had not been the smallest proneness to tumult. And these orders had not been withdrawn, till almost every election was over. This was an alarming violence to the constitution, and called for enquiry.

He also severely arraigned ministers for the insult they had put upon the navy, in appointing a man to a most honourable and lucrative post, who stood convicted of having produced a false and malicious charge against his superior officer. There could, he said, be only one of the King's servants, so abandoned, and so lost to all sensibility and honour, as to have dared to advise any such measure as the giving the governorship of Greenwich Hospital to that object of universal detestation, Sir Hugh Palliser; a man who was himself so conscious of his own unworthiness, that he had resigned all his employments, and by retiring from the sight of mankind, seemed as it were to have courted oblivion. There had never, he believed, been a precedent of a Vice-Admiral having Greenwich Hospital. The cause of its being given to Sir Hugh Palliser he did not doubt, was not his conduct on board the Formidable, but his subsequent behaviour, his conduct against Admiral Keppel, his attempts to ruin the reputation of that gallant officer; and he felt the less wonder at this, because it was the characteristic of the present reign to run down, vilify, and defame, great and popular men, and to set up, support, countenance and reward the infamous. The late promotion of Sir Hugh Palliser, was on a par with the promotion of a man, (Lord George Germain,) to one of the highest civil employments in the state, who had been publicly degraded last war, and declared incapable of serving again in any military capacity, at the head of every regiment in the army.

He alluded to what Lord Loughborough had said in his charge to the jury at St. Margaret's Hill, in last June, * relative to the statute passed in the 13th year of Charles the 2d, c. 5. enacting, "That no petition to the King, or either House of Parliament, for alteration of matters established by law, in church or state, (unless the matter thereof be approved by three justices, or the grand jury of the county,) shall be signed by more than twenty names, or delivered by more than ten persons;" and said, that the doctrine shewed very

* See Howell's State Trials, vol. 21. p. 458.

plainly what system prevailed, and what were the wishes of administration, if those wishes were not resisted and prevented in time.

He also alluded to Mr. Dunning's quondam character of the persons who governed this country, under the legal description of he, she, or they, and rung the changes for some time very laughably at the expence of administration, on those words, and their conduct, characterizing the first, under the words, he, she, or they, and the second under the words him, her, or them.

At length, after touching on a great variety of topics, he recurred to the famous vote of the late parliament, relative to the influence of the crown, and said it was the last dying speech of that corrupt assembly—the death-bed confession of that wicked sinner; and it reminded him of the death-bed confession of other abandoned profligates, who after having heaped guilt upon guilt, just before they parted with the last breath, sent for a priest, and made confession of their manifold sins and transgressions, saying "although our gang stood so firm together, and all agreed in stiffly denying the many atrocious facts we committed, particularly our greatest crime, and most mischievous offence, it is very true we were guilty, and we hope our fate will prove a warning to those we leave behind us, and induce them to lead better lives, and not by following the same bad courses which we have pursued, come to the same premature and miserable end."

The question being put, that the words proposed to be left out stand part of the question, the House divided:

	Tellers.			*Tellers.*	
YEAS	Mr. De Grey Sir Grey Cooper	212.	NOES	Mr. T. Grenville Mr. Byng	130.

Mr. Grenville's amendment was consequently lost. After which the address, as at first proposed, was agreed to.

MR. ADAM'S COMPLAINT AGAINST THE RESOLUTIONS OF THE WESTMINSTER COMMITTEE OF ASSOCIATION.

November 13.

THE city of Westminster, who had chosen Mr. Fox to represent them in parliament, in a manner so singularly spirited and noble, were not a little proud of their choice, nor inattentive to the manner in which their popular delegate discharged his duty, and

executed the trust thus reposed in him by his constituents. On the commencement of the session, his animadversion on the tendency and intention of the address proposed in answer to the King's speech, was powerful and convincing beyond their most sanguine expectations. Some mode of testifying their satisfaction, with a conduct so spirited and meritorious, they thought it now especially became the friends of liberty and the constitution to adopt. And the committee of association, embracing the opportunity of Mr. Fox's absence, adopted the following Resolutions in his favour, which were immediately published in the newspapers:

"Westminster Committee of Association, King's-Arms Tavern, Palace-yard, November 10, 1780.

"Resolved, That the thanks of this committee be given to the Honourable Charles James Fox, for his conduct in the House of Commons on Monday last, on which day, with a firmness becoming the representative of a free people, he exposed the pernicious principles and destructive measures of an abandoned administration, and afforded the fullest evidence, to his constituents, that neither the temptations of men in power, nor apprehensions of their treatment, could cause him to deviate from that line of parliamentary conduct which he had hitherto pursued with so much honour, or induce him to desert the cause of the people.

"Resolved, As it is reasonable and just, that public approbation and support should be afforded to those men who defend the public cause, that Mr. Fox, by his conduct on that day, hath farther endeared himself to his constituents, and, in the strongest manner, interested the inhabitants of this city and liberties in his welfare.

"Resolved, That this committee, being sensible that the firm, constant, and intrepid performance of his duty, will probably render him, in common with other distinguished friends of liberty, the object of such attacks as he has already experienced, and to which every unprincipled partizan of power is invited by the certainty of a reward, most earnestly exhort the inhabitants of Westminster to do their utmost, by every legal measure, to preserve to the great body of citizens by whom he has been elected, and to his country, the benefit of his services, and the inviolable security of his person. "JOHN CHURCHILL, Chairman."

To this advertisement Mr. Adam called the attention of the House, by reprobating the proceedings of the committee as vindictive and injurious to his character. He congratulated Mr. Fox, in a vein of irony peculiarly elegant and pointed, on the exclusive privilege, with which he was thus invested, of dealing out what personal abuse he should please. He was far, however, from thinking Mr. Fox capable of taking advantage of any thing his popularity might afford him not consistent with the strictest honour. He wished him joy of the inviolable security given to his person. It was an instance of extraordinary attention in his constituents and countrymen. It had no precedent except in the remote ages of antiquity. Pisistratus, the Athenian, had a body-guard, appointed by the people of Athens for the security of his

life, and by their means ultimately overturned the liberties of his country. He would therefore hail Mr. Fox—Pisistratus the Second. He would hail him King of Westminster; but, at the same time, was at a loss, whether most to rejoice with him, or condole with his country on account of those internal feuds and animosities which originated in committees of association. Mr. Adam then said, that he was going to touch upon a subject, by mentioning his own character, in which he might possibly incur the imputation of vanity; but when a person's character was basely and falsely traduced, not to mention it was to act with timidity; that few men knew the nature of his life, which was private and retired, but that he could boast a strict and regular system of domestic economy, which enabled him to live wholly independent upon the fortune which had fallen to his share. That the principal happiness and ambition of his life was to discharge the private duties of a private situation with honour and integrity, to be a good son, a good husband, a good father, and a faithful friend. That he could not brag of a long line of ancestry, whose vices were to degrade, or whose virtues were to adorn the page of the historian. But that circumstance made him more anxious to maintain his character unspotted, and to repel every attack that was made upon it. He concluded with saying, that he looked upon every person who adopted the resolutions of that committee as base and infamous calumniators of his character, and unworthy the protection of a civilized country.

Mr. Fox rose to reply, and began with declaring, that as to any expressions personal to himself, which had fallen from the honourable gentleman, who felt so sore at the paper which he had read to the House, he should not take the least notice of them; but in regard to the advertisement itself, he did assure the honourable gentleman and the House, upon his honour, that he was not present at the drawing it up, and that it was published without his consent or even knowledge. Had he been at the committee when it was drawn up, he should undoubtedly have used all the persuasion that he was master of, to have prevented the committee from coming to or publishing any such resolution as the one particularly objected to; because though the resolution was evidently founded in zeal and affection to him, it was, in his opinion, an imprudent resolution; and he could appeal to his honourable friend below him (Colonel Fitzpatrick) to vouch for this having been the opinion he declared when he first saw it. He said, he had imagined some persons would be induced to put the same construction upon it. With regard to the ridicule the honourable gentleman had thought proper to throw upon the committee, and upon himself, that was matter of perfect indifference to him, and the more so, because the gentlemen who formed that committee, were great and respectable characters; men who, he doubted not, had well weighed every word used

in the resolution, considered its import fully, and were prepared to justify the advertisement and the resolution with their honour and their reputation. And, after all, what was the resolution complained of with so much warmth by the honourable gentleman? A form of words evidently flowing from the good opinion the Westminster committee entertained of him, but which seriously and duly considered, conveyed no personal charge against any man, nor warranted any man's taking them up angrily or resentfully: besides, in what way was the House to treat a matter introduced in the very extraordinary manner in which the honourable gentleman had thought proper to introduce the advertisement to which he was then speaking, without making it the subject of any motion whatever? If the honourable gentleman really thought himself warranted to treat the resolutions of the Westminster committee seriously, why did he not complain of the paper to the House as a breach of privilege? If the honourable gentleman thought proper to adopt that mode of proceeding, he was ready to meet it on that ground, and to defend the resolution. If the honourable gentleman chose to make it the subject of another sort of process elsewhere, and to charge it as a libel, he would find that the Westminster committee were ready to take it up when so charged, and to defend the legality of their proceedings. The honourable gentleman had chosen to laugh at him, and to turn him into ridicule, under the character of Pisistratus. In what, he begged to know, had he ever shewn a desire to obtain illegal honours? In what had he attempted to set himself above the laws of his country, or to aim at receiving any other honours, than such as he was perfectly competent to receive? The honourable gentleman, after flourishing a great deal about his body-guard, and other matters of that sort, had talked of the Westminster committee proceeding, by and by, to constitute him King of Westminster. The Westminster committee, he would tell the honourable gentleman, as well as the whole body of inhabitants of that most respectable city, wished for no other king, than the king now upon the throne; they loved that king, and they revered the constitution, by which he reigned; and it was out of a foolish partiality to himself, and because they rashly, perhaps, thought him the best qualified to support that king and that constitution, to maintain the glory of the one, and preserve the other in safety, that they had chosen him their representative in parliament, in the noblest and most spirited manner, in direct defiance of the avowed and unreservedly exercised influence of the crown. It was, perhaps, from a weak and ill-founded partiality in favour of his abilities, that the electors of the city of Westminster had done

him that honour; all that he could do in return was to declare, that his conduct should be an example of the most sincere and perfect gratitude. It could not, however, surely be warrantably advanced, that from this circumstance he was imitating Pisistratus, or that he was endeavouring to obtain illegal honours! The electors of Westminster thought well of his efforts in that House, and this naturally shewed itself in acts of affection and regard towards him. Lost almost as the public cause seemed to be, they were glad to find the representative for Westminster among the number of those true friends to liberty, who best served their country, and who were still determined to stand in the breach to resist the torrent of corruption and of increasing influence, which threatened to bear down the constitution, and to destroy it. In order to do this, he, and those with whom he acted, had sacrificed their interests, they had sacrificed their ambition, they had sacrificed all views of greatness and emolument, they had sacrificed every thing that could gratify the mind of man, or fall within the wish of human pride, or human vanity. Let not gentlemen on the other side, on almost every one of whom places, pensions, titles, and rewards of every kind, were profusely heaped, grudge, then, either him or others the poor comfort of a little popular applause. Let them not complain that the people held his humble efforts to serve his country in some degree of estimation. And though they might, in the warmth of their zeal and affection, use a few imprudent words, for such he granted those words were, which composed the resolution of the Westminster committee read to the House by the honourable gentleman, let it not be said, that he was borne off his legs by popular honours, or that he was frantic with popular applause. Had he been anxious to court those honours, and to obtain that applause, opportunities had offered, which he should not have neglected. In the time of the tumults, when the people were madly riotous, had he uttered one word, or said one syllable in support of the protestant association? On the contrary, had he not opposed it firmly, and been among the first to reprobate and censure those lawless proceedings which began with insult to that and the other House of Parliament, and did not end till the public prisons, and private property, to an immense amount, had been burnt and destroyed! Again, when a measure was in agitation within those walls, which was particularly the object of opposition from those very persons, whom it was at that time known, he wished should become his constituents, had he with a view to court popular applause, meanly given up his opinion, and adopted that of those who had since chosen him their representative? On the other hand, was it

not notorious to every gentleman present, who had sat in the last parliament, that he stood up in his place, and firmly supported the measure, declaring at the same time, that he trusted it would be a proof to the electors, that if they chose him their representative, they would send to parliament a member who, at least, was sincere, and who was at all times determined to speak his real sentiments.

After other instances adduced in proof, that the popular applause with which he had been honoured, was the voluntary gift of the people, and had not been sought after by him, either industriously or improperly, Mr. Fox took notice of the necessary freedom of debate, and said, that as it was the dearest and most inestimable privilege of a British senator, so was it the last right that he would abandon or give up; and here he must observe, that in his speech on the first day of the last session, in his speech on the first day of the present session, he had talked language, which, however people might chuse to construe it, was not, he would at all times maintain, in the least personal to any man whatever. As long as he had the honour to sit in that House, he would exercise that inestimable privilege of speaking freely upon public matters, both as to the conduct of men in public situations, and of measures any way connected with the public interest. He had spoken freely hitherto, whenever he had taken the liberty to rise in that House; and in spite of every attempt to prevent him, of every sort that could be suggested, he would continue to use and support the freedom of debate. He thought it necessary to say thus much, and to say it in the most express terms just then, because he foresaw, that in speaking to the subject which was presently to be taken into consideration, as the order of the day, when a supply for the support of the navy was to be proposed, he should have occasion to advert to the character of a person (Sir Hugh Palliser) who, if report was to be credited, and there could be found constituents sufficiently abandoned and lost to all sense of honour as to chuse him their representative, was shortly to come among them. That person had been convicted by one court-martial of having preferred a false and malicious accusation against his superior officer, and had been tried for his own conduct by another court-martial, who had neither acquitted him honourably, nor acquitted him unanimously. Those trials were matters of public notoriety, and therefore they were fit subjects for parliamentary allusion, and for free discussion within those walls; to those trials he should have occasion to refer, in what he should have to say when the supply for the support of the navy came under debate; and as often as any matter relative to the navy was the topic of consideration, so often

would he most undoubtedly speak of those trials, and the person to whom they had relation, without reserve. Nor had that gentleman, or any other honourable gentleman, any right to complain of being personally insulted by what he should then say. If he were to prefer an indictment against any person accusing that person of a crime, none surely but the most wrong-headed man in the world would deem the hard words, which constitute the legal and technical phrases of the indictment, as so many private affronts to him as a gentleman; the case was exactly the same as to his treating upon any public topic in that House. He owned, he was a little astonished to hear the honourable gentleman who spoke last, congratulate him upon his having, in consequence of the Westminster committee's resolution, an exclusive privilege of speaking personalities within those walls. He had already said, that he never had spoken personalities. Had he indulged himself with entering into a dissertation on economy, and the well-ordered arrangement of his private affairs, or talked of noble ancestry and noble vices, or alluded to his domestic virtues, and pointed all these things at any particular gentleman, then, indeed, he might with reason have been accused of having dealt in personalities; but so long as he confined himself to public matters, and public matters only, he did not imagine the House would think that the character of being fond of personalities belonged exclusively to him.

After gently touching on his affair, last session, with Mr. Adam, declaring, it could never be alluded to without giving that honourable gentleman and himself great pain, and after many other remarks, struck out with all that wonderful quickness of conception, happy position, and force and poignancy of application, which generally distinguish his speeches; Mr. Fox concluded with declaring, that he was ready to defend the resolution of the Westminster committee, though at the same time he was ready to confess, that he thought it imprudently drawn up, and that it contained words which had better not have been used on the occasion.

Mr. Adam, in answer to what Mr. Fox had said of the resolutions not being personal, read the last resolution, and added, that every person, conjunctively and severally of that committee, who approved of those words, was an infamous and base traducer of his character. Colonel Fitzpatrick confirmed what Mr. Fox had said, relative to his not being present when the committee came to the resolution. He said he had the honour to belong to that committee, but was absent, as well as his honourable friend, when the resolutions were carried; having, therefore, no hand in drawing them up, it was impossible for him to say what or whom the

particular gentlemen who penned them had in their view at the time; he was sure, however, from the known honour of the committee, that their intention was a good and a warrantable one; he therefore thought it right to say, that the resolutions had his hearty consent. Mr. Adam said, if either the honourable gentleman who spoke last, or any other person approved of the words in question, as personally applied to him, that he meant to apply to him and them, every epithet that he had mentioned. Mr. Fitzpatrick said, that if the honourable gentleman chose to apply any part of the words used in the resolution of the Westminster committee to himself, he could not possibly help it. He must still approve of those resolutions, but he had not applied them to the honourable gentleman, neither had he said, they contained any thing immediately applicable to him, or which the honourable gentleman was entitled to apply to himself. They certainly had his consent; nor did he feel himself at all obliged to give his reasons why he consented to them. This altercation was put an end to, by the order of the day being loudly called for.

Mr. Fox's Motion Relative to the Appointment of Sir Hugh Palliser to the Government of Greenwich Hospital.

February 1. 1781.

THIS day Mr. Fox made his promised motion relative to the appointment of Sir Hugh Palliser to the government of Greenwich Hospital. The clerk of the House having, at his request, read the copy of the charges exhibited by Sir Hugh against Admiral Keppel, the sentence of the court-martial on those charges, the charge and sentence of Vice-Admiral Palliser's court-martial, Mr. Speaker Norton's speech on delivering the thanks of the House of Commons to Admiral Keppel, and the answer made thereto by the Admiral,

Mr. Fox rose. He began with saying, that there was no gentleman less accustomed than he was to apologize for the motions with which he, from time to time, thought it his duty to trouble the House, but on the present occasion as the motion which he should make at the conclusion of his speech, would undoubtedly point to two particular individuals, he thought it incumbent upon him to say, before he entered into an explanation of the grounds on which he rested the propriety and justice of his motion, that he was actuated by no personal motives whatever. He knew not that man on earth against whom he harboured the least personal enmity, and

least of all, did he feel any against those two individuals, who would be thought by the House, and who certainly were meant by him, as the immediate objects of his motion. He had no personal enmity whatever, he did assure the honourable gentleman whose name he should be obliged to mention pretty frequently in the course of what he had to say, against him, nor against his majesty's ministers; public enmity against him and them, he felt and avowed. Public enmity occasioned by their public conduct, detestation excited by the miseries and misfortunes which they had entailed on their country. He said, he considered the honourable gentleman, the governor of Greenwich Hospital, as one great cause of those calamities under which this country was now suffering, and therefore he felt against him, all that public enmity which such a sense of his conduct ought to inspire. He considered Sir Hugh Palliser as the man, who, by giving way to his boisterous and unruly passions, had almost ruined that service on which alone we could depend for the protection of this country in the hour of danger, and as the only probable means, if any there were, of extricating us from our present difficulties. It was on these grounds, and these only, that he was the public enemy of the honourable admiral, the public enemy of those who abetted and supported him.

Having said that he was actuated by no motives of personal enmity, he also assured the House, he was not influenced on the present occasion by private friendship. Not that he disclaimed private friendship; no, God knew, he considered his intimacy and connection with his honourable relation who sat below him (Admiral Keppel) as the chief honour and happiness of his life, but his honourable relation's character, his virtue, his glory, were too firmly established to need assistance. If ever there was a man whose character met the description of the poet exactly, "*mersus profundo pulchrior evenit*," the admiral was that man. Let those who had attempted against his life and his honour bear witness to this truth. See him attacked, charged, criminated, and sent to trial, on an accusation of the most serious nature! What is the consequence? He comes purified from the ordeal, his honour is clearer than before, his glory beams with renovated lustre! See him at Windsor! See the attempts that are made, successfully made, to separate him from constituents who had thought well of him before, and always, till then, been happy in their representative, and for ought he knew, had been his constituents for two, three, or four successive parliaments! What is the consequence? The county of Surrey, who saw with indignation the oppression practised,

who saw the enormous influence of the crown opposed to virtue, popularity, and reputation, (that influence of the crown, of which the last parliament had complained, and justly complained), they receive him with open arms; they knew his merit, his integrity, and his virtue; they revered his splendid character, and they invited him to become their representative. Thus oppression, as it always will do, produced its opposite effect, and thus his honourable relation, by being driven from Windsor by the influence of the crown, is sent to parliament the representative of one of the first counties in England. Therefore, he stood too high in fame, too full of glory, to require additional support, or to make the serving him, a motive in the design of the motion he was about to make.

He next observed, that he was not unaware it might be said, how improper it was, when unanimity was so necessary in the navy, to stir a matter which had a little subsided, and the revival of which might renew animosities. To these opinions, he said, he fully assented; *non movere quieta* was a maxim to which he entirely subscribed. Be it upon their heads, therefore, who began to stir the old cause of discontent! Let those answer for the consequences who revived the dispute; he washed his hands of it. It was the ministers that had broached the subject, those who had advised his majesty to appoint Sir Hugh Palliser governor of Greenwich Hospital. They had brought him forward out of the obscurity which he seemed to have thought most becoming him, and they only were to atone to their country for the mischiefs that would ensue. The advocates of the ministry might say, the government of Greenwich Hospital was no great matter, and that it did not signify much. Those who were inclined to reason in this manner, were not aware of the consequences that would follow, nor the great inconveniences that suffering the present appointment to pass uncensured by that House would occasion. He did not like to make invidious allusions; but they had already an instance of the extreme difficulty of arguing against the bestowing of additional honours upon that man (Lord George Germain), who having been once degraded and declared unworthy of serving again, had been suffered to be invested with confidence and honour. How did any man know that the government of Greenwich Hospital was the only situation into which Sir Hugh Palliser would be brought? How did the House know that it was not the intention of ministers to give Sir Hugh Palliser the command of one of our fleets? And then if the appointment was attempted to be animadverted upon, would not ministers be furnished with this strong answer to all objection: "You did not complain of the appointment of this gentleman to the government of Greenwich Hospital, — it was at that time you should have

objected, — to object now is to persecute." It was for this reason, Mr. Fox said, that he thought it necessary at that moment to take the sense of the House on the first post of honour and profit given to Sir Hugh Palliser.

He said the principal purpose or object of his motion was the appointment of Sir Hugh Palliser to the government of Greenwich Hospital, which he considered as an insult on the honour of the navy, because what man who felt as a gentleman, could be happy in the service, or could serve his country with zeal and spirit, from which alone the navy of England had gained its great reputation, when a post of high honour and profit, which had hitherto always been bestowed on those officers whose fame was unsullied, and who had deserved best of their country, was given to a man convicted of having preferred a malicious and ill-founded accusation against his commanding officer? The appointment of Sir Hugh Palliser to the government of Greenwich Hospital, under all the circumstances of it, was a measure of so much criminality, and at the same time was so glaringly iniquitous, that he knew not scarcely how to argue it, to give it a stronger impression on the minds of the House, than it must necessarily have of itself. It resembled one of those self-evident propositions, which bear the name of axioms in mathematics, on which nothing can be said to make them clearer than they are of themselves. The only mode of reasoning, therefore, that he could adopt, was to suppose objections, and then to oppose those objections with arguments.

The last time the House debated upon the subject, the vice-admiral had read to the House a long speech, previously prepared for the occasion, the main purport of which had been, as far as he was able to understand such parts of it as he had heard, to arraign and call in question the whole conduct of the court-martial that tried Admiral Keppel, and in particular to impeach the sentence, and charge the court with violent injustice, in having declared the vice-admiral to have preferred a malicious and ill-founded accusation, the motives of the vice-admiral not having been submitted to their consideration. He had since inquired into the usage of courts-martial, and he found it was their general practice, when they acquitted the person accused, to declare their opinion of the nature of the accusation. He would, therefore, first suppose a similar objection to be opposed to him now, and that it would be contended, that Admiral Keppel's court-martial had passed an extrajudicial censure on Vice-Admiral Sir Hugh Palliser, in declaring that his accusation was malicious and ill-founded. In answer to this, he should assert, that they had an undoubted right to give their opinion upon the motives of the accusation, both from the nature of

their jurisdiction, and the general usage of courts-martial. They had the best opportunity of learning those motives, because all the facts being before them, (the accusation specified formally, and all the evidence called in support of it, that the accuser thought proper to adduce;) they were perfectly competent to say, what the motives of the accuser were, and when, like Sir Hugh Palliser, he scandalously failed in his proof, and there came, even from his own witnesses, the fullest refutation of his charges, courts-martial were bound in justice to the honour of the officer accused, not only to acquit him, but to pronounce upon the motives of the accuser. This he asserted was no new doctrine; it was justified by long practice. He had brought with him two or three precedents, which would suffice to support what he said; innumerable precedents, it was well known, were to be found. The first case he should mention, was that of Captain Cotton, in the year 1766; in the sentence of whose court-martial, the accusation was declared to be groundless, and malicious. Again, in the case of Captain Lee, (the sentence of whose court-martial he read,) the Court had, in severe terms, reprobated the accuser, and his accusation. The third precedent he had brought, was that of a land court-martial, upon an officer a member of that House (General Monckton) whom he did not see then in his place, but of whom he should never speak without that respect which was due to a brave man: he was tried by a court-martial, which sat at the Horse Guards in 1764, and which had declared, in their sentence of acquittal, "that the charges preferred by Captain Colin Campbell, against General Monckton, were false and infamous; that it appeared to them, that the accuser had been actuated by the worst motives, and that they had reason to believe the accuser had imposed upon the commander-in-chief, by a falsehood, to induce him to order the court-martial." From these precedents, Mr. Fox with great strength of argument affirmed, that the custom of a court-martial pronouncing upon the accuser's motives was common, and therefore the argument, that it was extrajudicial in Sir Hugh Palliser's case, was frivolous and absurd.

Besides, what was it but arraigning the honour and the justice of the officers who composed Admiral Keppel's court-martial, to question any part of their conduct? To prefer one individual before another was common, because one man might excel another; but to prefer one set of men before another was illiberal, because in all large descriptions of men there naturally must be men of integrity and virtue. If, however, any profession was particularly better enabled to judge of points of honour than others, it was surely the military profession; and if he could ever be brought to say, one branch of

a profession deserved more credit as men of sincerity than another, he should say, it was the naval branch, and for this plain reason; the military generally residing in great cities, and populous towns, imbibed all the manners of the times, and as a division of the army was always attendant on a court, and made a part of the parade and pageantry of princes, they naturally were accustomed to a more courtly stile of talking than other men; whereas naval officers, living chiefly on the boisterous element, far from courts and princes, were remarkable for a roughness of manners and a blunt integrity of speech, calling every thing they mentioned by a plain word, and describing their thoughts exactly as they were. When, therefore, a court-martial, composed of naval officers of the first character and of acknowledged honour, called an accusation malicious and ill-founded, which accusation they had fully investigated, he should, were there no other reasons to induce him to think it were so, be strongly inclined to believe that the accusation was malicious and ill-founded; but he did not doubt he should be able to prove, to the satisfaction of the House, that there were other reasons; that the House, during the late parliament, had been of opinion, that the accusation against Admiral Keppel had been malicious and ill-founded: and even that Sir Hugh Palliser himself acquiesced under the sentence, and tacitly admitted his criminality.

Let gentlemen consider the time and the manner in which the accusation was preferred by the vice-admiral against his honourable relation. Was it as soon as he came ashore after the 27th of July? No. The House knew it was not. When then? Why, at a considerably distant period. And what were the circumstances? The vice-admiral goes out a second voyage with Admiral Keppel. He says not a word of his having any charge to make, but keeps his accusation in his own breast, and he tells us now, that he did not then make the charge, from motives of regard to his country. What! will he pretend that a feeling for the national welfare suffered him to fail a second time under the command of an officer, guilty in his mind of those five charges which he afterwards preferred against him? Was it a desire to promote the public good that induced him to suffer a man so criminal to keep the command? Ought he not rather, if he had any such feelings, to have made the charge the moment he set his foot on shore, and to have dragged that traitor, that coward, Admiral Keppel, to immediate trial, and not have suffered him to enjoy a second opportunity of disgracing the British flag by his ignorance, his negligence, his cowardice, and his treachery? It was not, therefore, from a regard to the good of the service, or the good of his country, that the accusation

was so long concealed, or that it was ever made. The fact was, the vice-admiral never dreamt of making any charge till he thought recrimination necessary. When he heard that murmurs were stirring, and that his own conduct was questioned, then it was that he thought of charging his commanding officer as a criminal. Let the House remember the compromise that he offered to Admiral Keppel: a compromise which his honourable relation disdained to accept. What was Sir Hugh Palliser's letter to Admiral Keppel but a threatening letter? A letter of extortion? Did not this application sufficiently prove, that the vice-admiral was neither actuated by motives of zeal for the good of the service, nor zeal for the good of his country? What was it short of the practice of a man who committed a highway robbery? An attempt, not to obtain money indeed, but to obtain a certificate of character, through the impulse of fear? Here surely therefore, was ground sufficient to pronounce, that the motives of the accuser were not honourable; and when it was considered that the charge was preferred on avowed principles of recrimination, every man must see that it originated in malice.

But not only the court-martial, who pronounced it a malicious and false accusation, thought it so, that House thought it so likewise, for they had voted their thanks, with one dissenting voice only, to Admiral Keppel; and what was the language of the Speaker when he gave those thanks? Add to this, what had been the conduct of the vice-admiral himself? Had he come down there immediately after the trial was over, and complained of the conduct of the court-martial? No. He had acted a very different part. He had resigned his lieutenant-generalship of marines, he had resigned his government of Scarborough castle, he had resigned his seat at the admiralty-board, and he had taken in exchange for them, what?—The valuable office of steward of the Chiltern hundred! What was this but an acquiescence in the justice of the sentence, a tacit acknowledgment of the truth of the opinion pronounced upon the accusation, and a desire to retire from public notice, arising from a consciousness of criminality! Again, when he had made a motion to address his majesty to take away Sir Hugh Palliser's flag, a motion which he had afterwards been induced to withdraw from its being suggested, by his worthy friend General Conway, that it looked like persecution, and that it would be sending the vice-admiral down to his trial, under prejudices—what had at that time been the language of the House? What had a learned gentleman (Mr. Wallace) said, who, he was glad to see that day in his place? Had not that gentleman declared, he

would move to impeach the minister who should venture to employ Sir Hugh Palliser again? And had not another learned gentleman, now lord-chief-justice of the Common Pleas (Lord Loughborough) pressed that the vice-admiral's flag might remain with him till his death, that it might fly over his grave, since it never could again be hoisted at the mast-head of any of his majesty's ships? It was evident, therefore, that the crown lawyers at that time did not think the declaring the accusation to be a malicious and ill-founded accusation, was an extrajudicial opinion. With regard to the right of reply upon his trial, which the vice-admiral claimed, he should only say, that the right of reply was not essential justice, that even in criminal courts it was thought so invidious, that it was rarely claimed, and that in land courts-martial it was never allowed.

He added, that it was altogether unwarrantable for the vice-admiral or for that House to question the conduct of Admiral Keppel's court-martial, unless they set on foot a proper and impartial enquiry, and after absolving the members of the court-martial from their oaths of secresy, and examined them at the bar, as to their sense of the accusation. Had any thing happened, he asked, since the sentence declaring that Sir Hugh Palliser had preferred a malicious and ill-founded accusation was pronounced, to alter that general and well-founded opinion? The only event that had the least relation to it was the second trial. But had that removed the stigma? By no means. It did not even honourably nor unanimously acquit Sir Hugh, but on the contrary, charged him in so many express words with a positive neglect of duty. And here, he said, it would not be amiss to examine a little into the management of that court-martial. At the same time that he said this, he begged leave to be understood as meaning to speak, not to its conduct, but to its constitution. A distinction worth attending to: for whoever spoke to its conduct, arraigned and questioned the proceedings of the court, and consequently arraigned and questioned the justice and the honour of the officers; whereas they who spoke, as he meant to speak, to its constitution, merely examined the proceedings of those persons under whose influence and management the appointment of the court was settled. He was far from impeaching the sentence of that court-martial, though he could not help thinking there was strong ground for suspicion as to the manner in which the court was instituted. Mr. Fox then read over the names of the officers who sat upon Sir Hugh Palliser's court-martial, and shewed that Captain Duncan was by accident a member of it, that a nephew of Sir Hugh Palliser, (who might have had leave of ab-

sence) sat upon it, and that three of the other members were officers of the blue squadron, and if there had been guilt found, would have been implicated in that guilt. Upon the whole, there was, as he had observed, great ground for suspicion of manœuvre and trick in the constitution of the court. The vice-admiral's conduct also was liable to doubt; for in what manner had he settled his evidence and the witnesses, whose names he had given in? He had not, like Admiral Keppel, desired that every officer in the fleet might be called, but had asked for particular persons, and for Captain Keith Stuart, and another gentleman, whom he had never examined. These gentlemen, it was true, were examined by the judge-advocate on the part of the crown, but they were not called by the vice-admiral. Was it not therefore warrantable to suppose, that they were merely set down as witnesses to prevent their being judges? Admiral Keppel's conduct was the direct opposite. Fearless of danger, because conscious of innocence, he had acted in the most open, artless, and unreserved manner; nay, he had even himself put a question to each of his witnesses, that none of his counsel, nor any one of his friends, would have ventured to have proposed for him to ask. The question he alluded to was the general question which he put to every witness, not what particular species of neglect and misconduct they observed in him on the 27th of July, but whether or no they saw any instance of negligence or misconduct in his behaviour the whole day? And yet notwithstanding the different conduct of the two admirals, and the different constitution of the courts that tried them, what had been the sentences? By the one, Admiral Keppel had been honourably and unanimously acquitted, and his accuser pronounced a false and malicious accuser; by the other, Sir Hugh Palliser was said to have behaved in an exemplary and meritorious manner in many instances, which directly implied that his conduct had been the reverse in some instances: he was then condemned as having been guilty of criminal neglect, in omitting to let the admiral know by the Fox frigate, the condition of the Formidable, and after that he was acquitted. So that the sentence of acquittal had neither the word "honourable," nor the word "unanimous" in it, and even, while it acquitted, fixed a charge of criminality.

The second sentence, he said, confirmed the first; for who should be the man to prefer a malicious and ill-founded accusation against his commander, but an inferior officer, who had himself been guilty of a neglect of duty? From such a quarter only was it likely that such an accusation should arise. He who is conscious of guilt cannot bear the innocence of others; he tries to reduce other characters to his

own level; and the history of mankind teaches us, that the highest, the most virtuous, the most glorious of men, are the most envied, the most hated, and the most liable to calumny, detraction, and malevolence. Hence the accusation against Admiral Keppel, and hence the record of the vice-admiral's malice! But even if the sentence of the second court-martial had been as warm, as honourable, and as unanimous as that which acquitted Admiral Keppel, if it had placed the conduct of the vice-admiral on the 27th of July in the most exalted point of view, still it would not have done away the declaration that he had preferred a malicious and ill-founded accusation against his commanding officer; and though it might have excited his pity, to be forced to know that true greatness of mind did not always accompany distinguished valour, and that a brave and gallant admiral should have given way to his passions, and have descended to the meanness of preferring a malicious and ill-founded accusation against his commander, it would not have justified ministers in bestowing an office of distinguished rank, an office looked up to by the navy as the hope and prospect of honest ambition, on a man who stood recorded as a false and malicious accuser.

From the appointment of this man to the government of Greenwich Hospital, he said, every thing dangerous to the public interest was to be apprehended. The officers of the navy in general would be disgusted, because they would see that honour and bravery combined were not the merits that were now thought worthy of reward, but that malice and infamy were strong claims with the present ministers. Discipline and subordination would cease, and the spirit of the navy would be broken; thus would the great and only solid strength of this country be annihilated. Every inferior officer conscious of his own guilt, would threaten his commander with a court-martial, and seeing that disobedience of orders was countenanced and rewarded, would neglect his duty, from the idea that he was sure of protection. What was it that had driven so many great and distinguished commanders from the service, but that they now found they could not serve with security to their honour. Why was not Admiral Barrington employed? Admiral Barrington, confessedly a good officer, and a zealous lover of his country! Admiral Barrington, it was said, was willing to go out second in command, but would not accept of a chief command. Admiral Barrington had as much honest ambition as other officers, and he presumed Admiral Barrington was as thirsty of honour; why, then, did Admiral Barrington decline accepting a chief command? To what could it be imputed, but to his seeing that a commander-in-chief had spies set upon

him, that he was not safe, that it lay in the power of his inferior officer to attack his honour, to attack his life, and to bring a malicious and ill-founded accusation against him; and if it succeeded, his ruin was certain: at any rate his accuser would be protected and rewarded. How happened it, that one officer commanded the fleet the beginning of the last campaign, and as soon as he could know what he was about, resigned the command, and another was appointed? These were all matters that it was fair to suppose had their origin in the mischievous system of the present first lord of the admiralty.

He concluded with saying, that no man ought to be promoted, who had rendered himself unworthy of rank in a profession so honourable as that of the British navy; and by enumerating the several heads of his speech, in order to remind the House of the grounds on which he rested his intended motion; these were, that it proceeded not from personal enmity; that the court-martial, who tried Admiral Keppel, were perfectly competent to declare that Sir Hugh Palliser had preferred a malicious and ill-founded accusation; that the declaration was warranted by a variety of undeniable facts and circumstances; that Sir Hugh Palliser had himself acquiesced in the justice of the sentence; that the House had acknowledged its truth; that the sentence of the second court-martial was neither an honourable nor a unanimous acquittal; and lastly, that the promotion of a person, declared to have preferred a malicious and ill-founded accusation against his commander-in-chief, was a measure subversive of the discipline, and derogatory to the honour, of the British navy. He then called upon the young members for their support, declaring that he made the appeal from a conviction that the highest sense of honour always glowed in youthful bosoms, and that they were most likely to act according to the dictates of their own hearts, without servilely embracing the opinions of other men. He then moved, "That the appointment of Sir Hugh Palliser to the government of Greenwich Hospital, who, by a sentence of a court-martial, is declared to have preferred a malicious and ill-founded accusation against his commander-in-chief, is a measure subversive of the discipline, and derogatory to the honour, of the British navy."

The defence of Sir Hugh Palliser was taken up by Lord North, who proposed various amendments to Mr. Fox's motion, until at length it was moulded, with no small difficulty, into the following form; "That the appointment of Sir Hugh Palliser to be governor of Greenwich Hospital, who, by the officers who sat on the court-

martial held for the trial of Admiral Keppel, and before whom Sir Hugh Palliser was not charged with any malice in the accusation of the said admiral, or heard in his defence, is declared to have preferred an ill-founded accusation against his commander-in-chief, and whose conduct on the 27th of July, 1778, by a subsequent court martial, was, after a full examination, declared to be in many respects highly exemplary and meritorious, and who has, during the course of forty-five years, served the crown, both in his civil and military capacity, with great ability, bravery, and fidelity, was a measure totally subversive of the discipline, and derogatory to the honour of the navy." Lord North, before he sat down, proposed a sort of compromise with Mr. Fox, by offering to withdraw his amendment wholly, if the latter would consent to omit those particularly obnoxious words, that the vice-admiral was, by the sentence of a court martial, declared to have preferred a malicious and ill-founded accusation against his commander-in-chief; by which amendment the motion would go to a division in these general terms; "That the appointment of Sir Hugh Palliser, &c. was a measure subversive of the discipline, and derogatory to the honour, of the British navy." But Mr. Fox refusing to comply with this proposal, the question was taken up with great vigour, and obstinately maintained on both sides. Mr. Fox was powerfully supported by Mr. Burke, Lord Howe, Admiral Keppel, Mr. Thomas Townshend, and Mr. Dunning. The debate continued till past two o clock in the morning, when the House divided on the amendment proposed by Lord North.

	Tellers.			*Tellers.*	
YEAS	Mr. De Grey Mr. Ord	214	NOES	Mr. T. Townshend Mr. Byng.	149.

The divison being over, Mr. Fox moved the following amendment to the amended resolution, to come in immediately after the words "heard in his defence:" viz. "That the Judge Advocate having, by the direction of the said court, declared, that it did not occur to the recollection of any of the members, that it had been the usage at courts-martial to admit any thing on the part of the accuser, after declaring he had gone through all the witnesses he should produce in support of the charge, and that they had agreed that the paper then offered by the accuser, could not be admitted; and the said court having, in another part of the said trial, declared, that they continued of the same opinion, and had agreed that the whole evidence, not only on the part of the charge, but of the defence, had been closed, nothing farther, by way or address from either party, could be received." This amendment was over-ruled, by the motion for the order of the day, to which the House agreed.

MOTION RESPECTING THE OMISSION OF THE WORD "IRELAND," IN THE MUTINY ACT.

February 23.

WHEN the secretary at war, Mr. Jenkinson, presented the mutiny bill, on the 8th of February, he informed the House, that it had been thought proper totally to omit the word "Ireland," because the Irish legislature had last year introduced clauses in their mutiny act, tending to govern and regulate the management of the quartering soldiers, and other matters relative to military discipline. To continue to extend the British Mutiny Act to Ireland, was therefore, he said, no longer necessary. On a motion for bringing up the report of the mutiny bill, on the 20th, Mr. Fox observed, that he understood the bill, as it passed the committee, had alterations in it, which went directly to overturn the constitution of this country, and gave up all right to supremacy over Ireland. He hoped therefore the secretary at war would not press the bringing up the report then, but would adjourn it to the next open day, that the subject might be properly discussed. The secretary at war differed exceedingly from the honourable gentleman respecting the importance of the alterations made in the bill, but had no objection to having every part of the bill fairly discussed. If therefore the honourable gentleman would let the report be brought up, he would consent that the third reading should be fixed for any day the honourable gentleman chose to appoint; and as the whole of the alteration the honourable gentleman could wish for, was the insertion of the word "Ireland," it might be done as well at the third reading as if it were recommitted. Mr. Burke said, so many and such great revolutions had happened of late, that he was not much surprised to hear the right honourable gentleman treat the loss of the supremacy of this country over Ireland as a matter of very little consequence. Thus one star, and that the brightest ornament of our orrery, having been suffered to be lost, those who were accustomed to inspect and watch our political heaven ought not to wonder that it should be followed by the loss of another:

> So star would follow star, and light light,
> 'Till all was darkness and eternal night,

Mr. Fox said, the right honourable gentleman's proposal would reduce him to the dilemma of either moving that the word "Ireland" be inserted, or that the bill stand as it did, a matter he was by no means ripe to propose. He wished to have many points discussed, which could only be done in a committee; he trusted, therefore, that the right honourable gentleman would come in to his first proposition, because, before he could give it as his opinion, that the word "Ireland" be or be not inserted, he should be glad to know the nature of the Irish mutiny act, the grounds upon which it went, the reasons for bringing it in, and the manner in

which it had passed. — The report was ordered to be taken into further consideration on the 23d; upon which day,

Mr. Fox rose, agreeably to the intimation he had given to the House, to move the re-commitment of this bill, for the purpose of correcting a very important alteration that had taken place in it. He began a most ingenious and eloquent speech with stating, that if he had not been sensible of the difficulty and delicacy of his situation in the question which he was about to agitate, the observation that had fallen from a gentleman high in office, and an old, well-informed member of that House, would have opened his eyes, and convinced him that he was treading upon ground at once difficult and dangerous. The honourable gentleman had said, that the House ought not to attempt to do that which it could not fully and perfectly accomplish; and had advised them rather to overlook the attack upon their dignity, by the presentment of a frivolous petition, than attempt a punishment which they could not enforce. This was his sentiment; it was at all times so, since he constantly was of opinion that prudence ought at all times to be consulted in measures of dignity, and that they ought not to assert powers and authority at a season when their weakness was insufficient to support their claim. To agitate a question, therefore, respecting the powers of supremacy and superintendency, which this country asserted over a sister kingdom, at a time when that kingdom was disposed to militate the principle, must certainly be dangerous ground, and particularly so at a moment when the country was involved in a scene of complicated calamities, and was threatened with the most decisive ruin. He trusted that the House would forgive him, if, in the situation in which he then stood, he should take up a few minutes of their time in stating his sentiments on the question; since he knew from experience, that pains would be taken to misrepresent what he should say, in order to place him in a light unfavourable to the people of Ireland. The insidious pains that had been exerted on a former occasion to misrepresent both him and other gentlemen on the same side of the House, had not altogether failed of producing the intended effect, that of making them odious in the eyes of a people whom they loved and honoured. Difficult and dangerous as the situation was, he could not be induced from any apprehensions of personal consequence to permit a matter, charged with so much apparent danger, to pass unnoticed; at the same time he was not insensible to the unfavourable opinion of his fellow-citizens.

He had many reasons of friendship and affection for wish-

ing to stand well in the eyes of the people of Ireland; and it was not his purpose to attack the claim which they had set up to legislative independency. They had not a friend in that House more warmly attached to their interests than himself. He wished to share the dangers and the alarming tendency of this bill, both to the liberties of England and of Ireland; and he thought, that to be silent on such a subject would be tacitly to assist in taking away from the people, in order to enlarge the prerogative of the crown, in demolishing and subverting the liberties of the subject, in order to give the prince the means of becoming absolute. He had been held out, he was aware, as the enemy of Ireland, and the first lord of the treasury had been declared to be the best friend of that country, though he had uniformly endeavoured to support the rights and liberties of the Irish, and to give them all that they requested long ago, and which the noble lord had positively denied them till they had armed themselves, and then by three specific propositions had given more to force than he had before denied to supplication.

In better times than these, Mr. Fox said, he should probably have entered upon the topic in a manner and in language widely different from that he meant to adopt on the present occasion. In better times than these, he should have talked of the superintending power of the British parliament over Ireland, and over every part of the British monarchy; but such was the miserable situation to which the king's servants had reduced this country, that the question was of a very delicate nature indeed, and it was by no means a matter easy to be handled without disturbing what ought not to be disturbed, and without producing consequences, which every man, who wished well to his country, must wish to avoid. In the present question, he wished to speak and to act agreeably to the sentiments of some of the first and best men in the parliament of Ireland. The powers of supremacy and superintendency of this country, over her distant connections, were topics which he knew were at this time dangerous to be touched, but which had never been so at any former period of our history. Ten years ago it would not have been considered as improper or dangerous to talk on these topics, because then they were considered as necessary to the liberties and the well-being of the empire. They were not only considered by that House in this light, but by every part of our extended empire they were allowed and acknowledged the same. It was the weakness of administration that had given rise to different ideas. America had never complained of these powers till her calm and sober requests were refused, and Ireland had not asserted the contrary till relief

was denied when her grievances were manifest. But now the topics were dangerous to be touched. The weakness and the wantonness of ministers had introduced into that House difficulties and embarrassments, new and unprecedented, and he must yield to the disagreeable necessity of submission. But he might say, that if he had been speaking on this subject ten years ago, he should have found no difficulty in saying, that the superintendency and supremacy of this country was necessary to the liberty of the empire, for many great and (in his opinion) unanswerable reasons; and that in particular they ought to be careful never to give out of their own hands the power of making a mutiny bill. He should have been able to have advanced various reasons for retaining this privilege, the first and most powerful of which would have been a reason of apprehension, lest at some future moment of negligence or corruption, the parliament of Ireland, the assemblies of any of the colonies of America, or of any other of our foreign connections, should be tempted or prevailed on to grant a perpetual mutiny bill. If he had advanced this argument, he knew that it would have been immediately said of him, that he pushed speculation to excess, that he was chimerical and libellous in his ideas, for that no house of representatives could be so negligent or corrupt as to grant such a bill, and no people so blind and supine as to bear it. Might he not, then, now say this, when it was not an argument of speculation but experience; and when the parliament of Ireland had actually granted a perpetual mutiny bill to the crown, by which they had vested the sovereign with the power of a standing army, unlimited in point of numbers or duration?

There were in the passing of this bill, so granted, also several circumstances of a suspicious nature, which implied in pretty plain language, that it was imposed upon them by the cabinet of England. It originated in the privy council of this country, and was sent over at a time when Ireland was loud in their claim of independent legislation. The cabinet took advantage of the heat and the inflammation of Ireland with respect to independence, and granted them the one thing, provided they would purchase it at the price of the other. They applied to the passions of the country; they seized on parliament in the moment of their warmth, and appealing, perhaps, to other passions than those of patriotic frenzy, they procured the consent of parliament to this, and received a perpetual standing army, in defiance of the Declaration of Rights. Many of the first members of the Irish parliament were sensible of the shock which this bill gave at once to the liberties of Ireland and of England; and Mr. Grattan called

upon the people of this country to stand forward and protect the liberties of both, by preventing the dangers and the effects of a law so violent and contradictory to the constitution. It was, therefore, a business in which both nations were equally affected, and in which they ought both equally to unite. For this was a species of conspiracy between the cabinet and that part of the people of Ireland, who, anxious for independence, were intoxicated with the idea, and inclined to purchase it at any price. The conspiracy was to this effect: —We will give you a mutiny bill of your own, if you, in return, will grant the crown a perpetual army. Nothing was demanded for this country in return for the favours which had been conferred; nothing in return for the free trade; nothing for the independence; but a provision was made to grant to the crown a perpetual power unwarranted by the constitution.

In a moment of heat and clamour, when the minds of a whole country were agitated with the great question, and demanded an important concession, it was the duty of a minister to maintain the duty and the supremacy of the country, as far as was consistent with the liberties of the empire at large; he ought to have yielded to the necessity of the occasion with prudence, but not with intemperance; he ought not to have endangered the liberties of every part of the empire, in order merely to calm the intemperance of the moment. The honourable gentleman stated, that in his ideas on the bill, he would advance no arguments that he had not taken from books written in Ireland and by Irishmen. It was at once curious and alarming, that in the Irish mutiny bill the preamble was left out which recited the Declaration of Rights. What could be the inducement of this omission? It contained no enacting law, and, consequently, was in no ways an attack on the legislative independence of Ireland. It was merely declaratory, and as the constitution and the rights in both countries were the same, the declaration of those rights was equally applicable to both. But it was found expedient to leave out the preamble, because the word, "Whereas it is illegal in the crown to keep a standing army in times of peace," were in direct contradiction to the bill which had been granted.

The danger of the bill would appear in its full magnitude, when gentlemen reflected that all that was necessary now to the maintenance of a standing army in Ireland, unlimited in number and duration, was the power of the purse. His majesty was possessed of an hereditary revenue in Ireland, which had considerably increased, and was increasing. By that power, by the power of the hereditary revenue of Hanover, if

he had any, and by borrowing from other states—if future kings might be tempted by their object to descend to that corrupt expedient—money might be procured to maintain an army that might threaten the very existence of the constitution. He considered the statute of King William, commonly called the disbanding statute, reducing the number of troops to 12,000, and which by a late act had been raised to 15,000, to be still in force with respect to this country, but it was not so agreeable to the present ideas of the people of Ireland, so that there was no sufficient restrictive power on ministers against maintaining in that country an army to any extent. But it might be argued, that without the power of the purse, the power of the army was nothing. To this he begged to answer, that two checks were better than one; that it was much better to have the power of the purse, and the power of the army, than only to have one of those for our security; and this had been the prudence and the policy of Great Britain. She had kept them both in her own hands, and had granted them only for one year. But Ireland had now given a perpetual army, and nothing more was wanting than the money.

His present majesty, thanks to his ministers, had no power on the continent from whom he could receive assistance; but some future monarch, possessed of wise and active counsellors, might, by the aids derived from foreign states, raise and maintain 100,000 men in Ireland, and direct them to any achievement of despotism that ambition might frame; and there would be but little security to be found in the resistance that the country might be inclined to make in such a moment. The precaution and the defence were to be taken before the alarm was up; and in this alarm, it was not only Ireland, but England also, that was threatened. With such a prospect before them, it could not be imputed to any motives of attack on the question of the legislative independence of Ireland, that this country should take warning, and prepare for its own security. In the same situation if Ireland stood with respect to England, *mutatis mutandis*, if England was to adopt a similar measure, and grant the crown an unlimited mutiny bill, Ireland would be excusable if she took up the consideration of the business, and provided by some specific measure for her own safety.

He said there was no responsibility in the ministers under the present law; nor was it in the power of either kingdom to bring them to a legal parliamentary conviction. He considered the ministers who advised the perpetual mutiny bill, as guilty of high treason. He was in general an enemy to constructive treason. He could not conceive that an un-

armed, unarrayed mob, assembled round the House of Commons, could be said to be levying war against the king. No such construction could be drawn from the act of the 25th of Edward the 3d; and though he did not condemn the authors of some late opinions and attempts to make this constructive treason, as having been wilful misinterpreters of a plain law, yet he could only excuse them as having too hastily adopted the speculations of a worthy, but, in this instance, a deceived man, Mr. Justice Foster*. This act giving the crown a perpetual mutiny bill, in direct violation of the Declaration of Rights, was high treason against the constitution of the realm. But how could he get at the authors of the treason in the present circumstances? It was perfectly impossible; for there was no responsibility to be established against them. It might be said of him in the present instance, with some truth, as it was frequently said of Opposition without truth, that he was much readier to find the blame, than to advise the remedy. In this instance he felt himself full of difficulties. He honestly declared, that he knew not in what manner to act with prudence and wisdom. He was full of indignation against the men who had reduced us to a state of such unprecedented difficulty, that parliament could not assert their powers with safety, nor suggest remedies for evils that were foreseen with prudence. He might say, if they would permit

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* Mr. Fox here alludes to the following extract from Mr. Justice Foster, which had recently been quoted by Lord Loughborough, in his charge to the grand jury, on opening the special commission for the trial of the Rioters, at the sessions house, on St. Margaret's Hill, in the Borough:

"Every insurrection which in judgment of law is intended against the king, be it to dethrone or imprison him, or to oblige him to alter his measures of government, or to remove evil counsellors from about him,—these risings all amount to levying war within the statute, whether attended with the pomp and circumstances of open war or not. And every conspiracy to levy war for these purposes, though not treason within the clause of levying war, is yet an overt-act within the other clause of compassing the king's death.

"Insurrections in order to throw down all inclosures, to alter the established law, or change religion, to inhance the price of all labour, or to open all prisons—all risings in order to effect these innovations of a public and a general armed force, are, in construction of law, high treason, within the clause of levying war. For though they are not levelled at the person of the king, they are against his royal majesty; and besides, they have a direct tendency to dissolve all the bonds of society, and to destroy all property and government too, by numbers and an armed force. Insurrections likewise for redressing national grievances, or for the expulsion of foreigners in general, or indeed of any single nation living here under the protection of the king, or for the reformation of real or imaginary evils of a public nature, and in which the insurgents have no special interest—risings to effect these ends by force and numbers, are, by construction of law, within the clause of levying war. For they are levelled at the king's crown and royal dignity.

the expression, that this situation had been incurred by a system of negligence and incapacity. Any other minister would have softened, when it could have been done with propriety; or resisted, when it could have been done with success: but the noble lord had acted contrary to every occasion. When Ireland, in a decent, sober stile, applied to parliament for relief from restrictions which were at once impolitic and illiberal, the noble lord attended more to the representations of individual members, who happened to be influenced by the opinions of their constituents, the manufacturers of trading towns, than to the unanimous call of a whole country. He admitted the influence derived from the opinion of constituents; it was the best and most virtuous species of influence; but the minister could not be influenced by the opinions of Banbury to resist the pretensions which his own liberal ideas of trade convinced him were just and reasonable. But he was obliged, on account of the American war, to court the votes of individual members; and when the gentlemen on that side of the House had carried a decisive question, he came down two days afterwards, and resisted their anxious endeavours to redress their grievances, when they were temperate in their requests.

The honourable gentleman then stated the powerful and the rapid effect of the resolution and the spirit of Ireland. Their associations had done more in a moment, than all the efforts of friendship in their favour. All false reasonings had vanished; all little partial motives of resistance had ceased; local considerations died away instantly, and the noble lord in the blue ribbon, who had shewn himself the last man to listen to supplications, was the first man to give way to force. The noble lord came down to that House, and by three lumping propositions, did more for Ireland than she had ventured to ask. Not that he blamed the noble lord for the concessions; the noble lord had acted wisely, and had properly told the House, that commercial considerations ought not to be taken upon a narrow, illiberal scale, but should be looked at as great objects. All that he blamed in the noble lord was, his having done that meanly, which he might have done with grace and with dignity; for gentlemen must see, that however prudent and however wise it was to concede to Ireland when armed, concessions made under such circumstances could neither have grace nor dignity. The honourable gentleman said, that the associations should always have his admiration and his applause.

He went into various other topics of argument, to shew the danger of this mutiny bill; and answered such defence as he conceived would be set up in its favour; that an army

raised and maintained in Ireland under this law, though legal in Ireland, would be illegal in England. This he admitted; but such an army would not be less dangerous, because it was illegal. He said, that soldiers raised, enlisted, and attested in England, might be sent to Ireland, and placed under the military law, which in one instance at least was different from the law of England, since it gave the king power over them in every thing but in life and limb. Though he was an enemy to the dangerous influence of the crown, he was a friend to the just prerogative; and he considered the power vested in his majesty, of sending troops to whatever place of his dominions might require their assistance, as the most valuable prerogative. It was on this ground that the Earl of Chatham said, that, retrenching the number of troops to be employed in Ireland, was "tearing the master-feather from the eagle's wing." He considered therefore this bill, as containing different laws, to be dangerous to the prerogative, because it might prevent the crown from sending troops from any other place of his dominions to Ireland, or from Ireland to any other part of his dominions, in cases of emergency. And if it could be conceived that his majesty's ministers should, to the astonishment of the world, foresee danger, and provide against it, this bill might stand in the way of their growing virtue.

He said, he felt the difficulty of proposing any remedy for this evil. He did not propose the re-commitment of the bill, in order to move to re-insert the word Ireland. He confessed the impropriety of such an attempt; but he was of opinion that some clause might be adopted, by which the number of the army in Ireland might be limited, and by that means a responsibility established in ministers that might give some security. He was not prepared with a clause to answer the purpose, but such a one, in his opinion, might be framed. It was to be attributed to the negligence of parliament and of ministers, that they were reduced to this dilemma. The responsibility proposed in no measure affected the independence of Ireland. It was a mere measure of peculiar policy; and in the same manner it would be fit and proper in Ireland to act towards England, if England were to pass a perpetual mutiny bill. Many more things he owned he had on his mind to offer on this subject; but he saw the impropriety of urging all that had occurred to him. He was restrained by the consciousness that every thing which he said would be misrepresented in Ireland, and that with the basest of purposes. He reminded the House again, that the Irish mutiny bill had originated in this country, and that it had passed under the most suspicious and alarming circumstances. He

concluded with saying, that he should move for the re-commitment of the bill when the present question was settled.

Mr. Fox's motion was negatived without a division; and the bill, with the amendments, was ordered to be engrossed.

THE BUDGET—TERMS OF THE LOAN—MOTION FOR OMITTING THE LOTTERY CLAUSE.

March 7.

OF all the acts of the minister, during so long a government of public affairs, scarcely any brought upon Lord North so much severity of reprehension without doors, or perhaps so much censure within, as the loan of the present year. Twelve millions were borrowed upon terms so advantageous to the lenders, that the price of the new stock rose at market from nine to eleven per cent. above par. Before this circumstance was, however, known, the loan was, on its own bottom, strongly objected to, and both its manner and principle severely condemned by Mr. Fox. Lord North having this day opened the Budget, and moved, "That towards raising the supply granted to his majesty, the sum of twelve millions be raised by annuities, and the further sum of 480,000l. by a lottery,"

Mr. Fox* rose, and entered into an investigation, first of the principle, and then of the terms of the loan, as stated by the noble lord in the blue ribbon. He considered both the one and the other as exceedingly reprehensible and disadvantageous. It was an easy, as well as a very common thing, for a minister, when he was stating the bargains which he had made for the public to that House, to tell them of several worse bargains which might have been made. This was rather a fallacious way of defending a cause, since the true mode of inquiring, whether or not the bargain was a good one, was to examine whether it was not possible to make a better. The noble lord had chosen this year to get the loan, by adding a large sum to the capital of our debt; and he had, for the first time, defended this mode of borrowing money as superior to that of annuities. This was the first time that the noble lord had been of this way of thinking; for last year he

* In the course of this speech, Mr. Fox is stated, in the Annual Register, to have "displayed such a fund of financial knowledge, as seemed to excite surprise."

had borrowed the money by the plan of annuities, and had never once observed, upon that occasion, that he was borrowing at a dearer rate than it was in his power to procure the money otherwise. The honourable gentleman was of opinion, that no system of finance could be so eligible or so proper for this country, as that of borrowing upon annuities. The terms were not so much dearer in the first instance, as to counterbalance the advantages that would result in the end. The terms of the present loan, as stated by the noble lord, were much more unreasonable and extravagant, and infinitely more ineligible and impolitic than the terms which he would have been able to procure by means of annuities. The noble lord had stated, that the sum of our debt was not the nominal amount of our debt, but the actual sum which we had to pay annually for interest, and the sum which we must pay to buy up the debt at the market-price; and arguing upon this ground, he had stated, that the sum to be added to our capital by the present loan, was nine millions; and that we have nearly saved that sum in interest by the plan which we have adopted. The great objection which he had stated to annuities was, that they were not redeemable, and consequently parliament could not take advantage of national prosperity to buy them up at the market-price. This objection lay equally against the funds in which the noble lord had taken the loan. Did he imagine he could buy in the 3 per cents, and the 4 per cents, without consulting the desires of the stockholders? Did he imagine that he could go to market, and buy in the debt at the current price? Undoubtedly not. The stockholder would do, upon that occasion, as he does upon this; he would chuse to be on the sure side, and would not sell his stock but at his own price. The noble lord could not buy it in at the low price which it held in the market; so that the advantage of paying off the debt in that manner, though undoubtedly it was an advantage, was very far from being so great, even in speculation, as that which the noble Lord had given out.

The honourable gentleman, in a chain of arithmetical reasoning, shewed what we might expect to be the price at which it would be in our power to buy in the debt, and by this means deduced the fair conclusions that it was much more for the interest of the country to borrow money by annuities than by adding to the capital of our debt; and if we must borrow on the latter plan, it was a much more beneficial bargain to borrow money at 4 per cent. than at 3, and at 5 per cent. than at 4. It was more in our favour in the result, because it was probable that it might be bought in at a

cheaper rate. If we looked at the state of the funds, we should always perceive that the 3 per cents. stood higher in proportion than the 4, because from the probable profit being greater, they were more an object of estimation and pursuit. The 3 per cents. now stood at 59; by the same rule of proportion the 4 per cents. should stand at 79, whereas they were only 72 or 73. This was a very natural predilection in the public and in the stockholder; for in the prospect of the debt being paid off, and the several funds rising to par, and interest continuing during a peace at the same rate which it did now of 5 per cent. (which by the bye he hoped it would not), then it might be in the power of the holders of the 3 per cents., who had bought in at this time, to make 40 per cent. and of the 4 per cent. holders to make only 20 per cent. while the 5 per cents. could make nothing. This pointed out in a very strong light the great utility of borrowing money on a fund of 5 per cent. in preference to any other, since it would ultimately be in the power of the public to buy in the debt at a cheaper rate. He, therefore, very much disapproved of the principle of the present loan.

The noble lord had forsaken that ground on which he had gone last year, and which, though it had been exceedingly advantageous to the lender, had been also more so to the borrower, than the loan of the year which preceded it. He was given to understand that the subscribers to that loan had gained no less than 8 per cent. and while they were well satisfied, the public had less reason to be dissatisfied than they had the year before. He was given to understand, that there was actually no less than 38 millions brought to market this year, and offered to the minister. This was the rumour. Was it not, then, unaccountable that the minister could not procure less than one-third of that sum, without giving such enormous interest for it? Would it not have been in his power to have procured the money by a fund at 5 per cent. and a short annuity? This was the plan which he would have wished to have pursued in borrowing the money, in order to have made the terms advantageous to the public. The honourable gentleman went through the particulars of the scheme, which he wished to have seen adopted, and displayed a most extensive knowledge of finance. By this scheme he stated, that a considerable saving would have been made to the public, even admitting all that the noble lord had claimed, that the sum secured by interest, had been annually laid out in the manner proposed, and ultimately applied to the diminution of our debt. Even upon this ground he asserted, that in 28 years we should be gainers between four and

five millions, and should run no danger of the sum being mismanaged in its growing state, or of meeting with hard creditors, when we wished to pay our debts.

The honourable gentleman adverted particularly to what the noble lord had said respecting the sinking fund. He very readily agreed with the noble lord, that great and important advantages were to be derived from the sinking fund, towards the diminution of the national debt. He agreed with him also, and said, though a very worthy and intelligent friend of his was of a contrary opinion, that we ought not in times of war to think of applying the sinking fund to the discharge of debts, and be obliged at the same time to borrow money for the service of the year. He considered this as a disadvantage to the public, since they had the douceur on the loan to pay without gaining any thing by the matter. So far he went with the noble lord on the sinking fund, but no farther. He wished to have heard the noble lord speak more fully on this subject. He had hinted, in a parenthesis, that the 190,000*l.* which was to fall into the sinking fund this year, was to supply the place of taxes. If so, he must tell the noble lord that he would sacrifice his integrity to popularity, and abuse the great public trust and confidence of his situation, merely to screen himself from the obnoxious duty of laying taxes. It was certainly an obnoxious and a painful task, but it was a task to which ministers must submit. The sinking fund was the great dernier resort of the kingdom, the last parapet of the constitution, and ought to be held in obstinate sanctity. If the noble lord set an example to his successors to apply to the sinking fund for permanent revenue, it would be the death-stroke of the kingdom. No minister would be able to connect enough of vigour with integrity to break through a custom of this nature once established, or to snatch the country from the ruin that must follow. The honourable gentleman took notice of the noble lord's assertion, that he meant to pay off two millions of the navy debt; he sincerely hoped that the navy debt would be discharged. The unfunded debt of this country bore by much the most extravagant interest of any, since the depreciation of the bills was itself a debt, and a duty upon the public. It was for this reason that he thought the true effects and burdens of the war would not be felt by the people, till the commencement of peace, when the unfunded debt came to be saddled upon them by taxes.

Independent of the strong objections he felt to the loan, as a question of finance, and a matter of economy, he felt it to be still more important when considered in a political view. The profit on the loan now proposed, in every way he had

been able to take it, and subject to every probable contingency, was 900,000*l.*; and this large sum was in the hands of the minister, to be granted in douceurs to the members of that House as compensations for the expences of an election, or for any other purpose of corrupt influence which might suit his views. An honourable friend of his (Mr. Burke) had brought in a bill to lessen the influence of the crown, by controuling the expenditure of the civil list. The design was wise and proper, but like every other design of that description, it had failed by means of that very influence which it was calculated to prevent. But the objection on which he now wished to call the attention of the House was of much greater magnitude; it was not the excesses in the expenditure of the civil list, which amounted in the whole to 900,000*l.* including the support of his majesty, and many great important and national services; but it was an entire sum of 900,000*l.* and upwards, to be given away in the douceurs of a loan, not merely from the effect of an idle and wanton extravagance, but from much worse causes; it was given as a means of procuring and continuing a majority in the House of Commons upon every occasion; and to give strength and support to a bad administration. The noble lord had attempted to flatter the House that, upon a number of supposed contingencies, many events highly favourable, and a train of economy so extremely rigid, pure, and incorrupt, that in stating it his lordship did not appear to flatter himself it could ever be practised; but if practised, and if every thing was to happen just as we could hope and wish, why then, at the end of fourteen or fifteen years, thirty millions would be paid off; that is, we should then be twenty millions more in debt than when we began the fatal American war; and that state we are now to look for with an anxiety almost beyond the reach of hope, which would have been considered as ruinous at the time the noble lord began his administration. The terms of the loan, such as they were, the noble lord had informed the House, would have been much worse, had it not been for some good news, and good news indeed it appeared to be, if it really afforded any prospect of a peace. It was singular however, if the bargain for a loan was to be influenced by such a prospect, that it was not more influenced by it; and that terms so extremely disadvantageous should be offered to the House, when the prospect of peace was avowed. Upon that prospect he wished to speak out; he wished to declare, that he felt himself ready to support almost any terms that could be offered; whilst the affairs of the nation were in the present hands, he thought no peace could be a bad one; that is, a general peace; for any partial

or patched up peace which would leave us involved in all the necessities of a war establishment, he thought would rather be injurious than useful, and might only tend to draw us on farther in a ruinous system, and plunge us deeper into difficulties and disgrace.

He now took a general review of his objections to the terms of the loan, urging, as the result of the whole, that the lottery was an unnecessary part of the *douceur*, and ought to be omitted from every principle of policy, and of regard for the morals of the people. It had been said, by a learned gentleman, speaking on the subject of riots a few evenings ago, that if any thing could excuse an illegal and violent mode of redressing grievances, it would be the pulling down gaming houses. This he considered as the most pernicious and destructive of all species of gaming; as immediately affecting the morals, habits, and circumstances of the lower orders of the people; and which, upon every principle of policy, should be carefully avoided. He trusted he had clearly convinced the House, that the benefits to the subscribers of the present loan were sufficiently great without the lottery; and he hoped they would render the greatest service in their power to the public, by preventing its inevitable ill consequences. He therefore moved, as an amendment to the minister's motion for agreeing to the terms of the loan, that the latter clause, respecting the lottery, should be omitted.

Mr. Fox's proposition for omitting the lottery was opposed by Lord North, and warmly supported by Mr. Hussey, Lord Mahon, and Mr. Byng; after which, the committee divided: Yeas 111: Noes 169. The original motion then passed without a division.

Sir George Savile's Motion for an Enquiry into the Distribution of the Loan.

March 26.

MR. FOX's discussion of the terms of the loan for twelve millions having excited a spirit of enquiry, Sir George Savile moved, this day, "That a committee be appointed to examine the circumstances of the late loan, to form estimates of the value thereof, and to report the same to the House." The motion was seconded by Mr. Byng, and supported by Mr. Thomas Townshend, Mr. St. John, Mr. Fox, Sir Fletcher Norton, Mr. Dunning, Mr. Hartley, and Mr. Turner. It was opposed by Earl Nugent, Mr.

William Adam, Sir Richard Sutton, Lord North, the Attorney and Solicitor-General, and the Lord Advocate of Scotland, Mr. Dundas. As soon as the last mentioned gentleman sat down,

Mr. Fox rose, and entered into a circumstantial answer to the arguments of the honourable and learned gentleman. When he rose, he imagined that he meant to offer his reasons why the House should not go into an enquiry into the conduct of the noble lord in the blue ribbon, for he considered it as a direct, personal accusation of the minister, in this public transaction; but to his astonishment, the learned gentleman had not urged a single syllable in his justification. When therefore, he was proceeding seemingly to answer the learned gentleman, he could hardly discover an argument, or a fact, to which there was occasion for a reply. The reason was plain. The learned gentleman had said, with his usual address and ability, a variety of most ingenious things, but not a word, phrase, or argument to the question. The learned gentleman, in all his speeches, he was sorry to say, betrayed a disposition to political measures and political doctrines inimical to, if not directly subversive of the constitution, and favourable to the introduction of arbitrary power. But how had the learned gentleman entertained the House on this occasion? In laying down principles of a directly contrary nature, from which, however, he drew delusive, and, in the present moment of corruption and depravity, impracticable conclusions. The learned gentleman had laboured strenuously to prove what no person on his side of the House would dispute, and what no one on any side dare avowedly to deny, namely, "That ministers were responsible for their conduct, and liable to be brought to an account for the exercise of those powers with which they were vested by the constitution, for the purposes of government." But for what purpose had the learned gentleman said this? Why had he so warmly trumpeted the responsibility of ministers, and particularly of the noble lord in the blue ribbon? For what, but in the same breath to defeat the use and the end of that responsibility, and to convince the House that they ought not to exercise their right and power; to shew that the noble lord was, in fact, not responsible in this instance; that, if there was any blame, or any corruption, or any sinister purposes in view, by the late bargain, it was not the noble lord who was the criminal, for the noble lord was honest, and every body acknowledged that he had clean hands; his secretary, his friend, Mr. Atkinson, or any other man might be guilty except the noble lord. If the House complain of the conduct of the minister, the accused immediately answers, "Oh! he is responsible." If they call

for an enquiry into that conduct, and think it necessary to exercise their powers of calling him to an account, "Oh! he is irresponsible in that case, for being honest and disinterested, he could not be guilty." Thus his responsibility in one instance is to silence complaint, his irresponsibility in another is to stifle enquiry. It was upon such a style of argument and reasoning, that the noble lord's conduct had been attempted to be defended by so zealous a friend, and so powerful an advocate; and these were the reasons urged with so much confidence to shew, that the loan, having been negotiated by others, his lordship was free from all blame. But when the object of the question is not to fix blame, but to know where it ought to be fixed, the House is then informed, it is perfectly needless to take any trouble or concern in the matter; it signifies not who did this, or who did that, who did subscribe, and who did not subscribe, whether they are living men, or whether they are dead, whether they are members of parliament, or whether they are footmen; whether they are bankers, or whether they are bankers' clerks; all this is a matter of perfect indifference, for the noble lord is solely and exclusively responsible.

After presenting this argument in a great variety of shapes, Mr. Fox proceeded to another point which had been much argued: "That the bargain had been approved of by that House, and that the terms had received all the sanction from the legislature necessary to give it the force and efficacy of a law; and that consequently it would be nugatory in this instance, and dangerous in point of precedent, to attempt to undo what had been established by all the forms of the constitution, Nugatory, because the evil, if any existed, was committed and was irremediable; dangerous, because in future it might prevent the minister from borrowing upon almost any terms, which would more than balance any possible advantage which might be derived from the enquiry." There was one general short answer to all this; that if the loan was a corrupt and improvident one, or corruptly distributed, the public had a right to have it reviewed; and that public faith, and the faith of that House, stood no farther pledged to the performance of any one engagement made in their behalf, by those entrusted with the exercise of the executive power, than the measure was founded in equity and justice, and appeared to be a fair *bona fide* transaction. In the present instance, there was *prima facie* evidence, that the bargain was corrupt; that it was shamefully wasteful and improvident, and of a nature to hold out more than presumptive or hypothetical proofs, that the public were robbed and cheated in the first instance, and

the money of which they were so notoriously plundered, employed to the very worst and most abandoned purposes.

This was a general answer to a general argument; but when the particular circumstances which, he observed, formed the ground of the present motion, as stated by his honourable friend, were considered, not even a pretence for a moment longer existed upon the ground of general reasoning. Some men, as good as any in the city, had been totally rejected; others, of a like description had not got a tenth, or a twentieth of what they had written for; others again, he would allow good men, had got enormous sums, while, besides, a number of mendicant, obscure persons, nominal people, &c. had had their names set down for most enormous sums.

So far as to the point of distribution; then, as to the actual conduct of the noble lord in the blue ribbon, independent of those who might have abused his lordship's confidence. This noble lord, whom the learned advocate described as responsible, was exclusively responsible in the instance he was about to mention. He should have no occasion, he presumed, to go into an enquiry to get at proofs, because it must have been known to, and within the recollection of, every person who now heard him. He would, for argument's sake, suppose that the loan was made upon the best terms;—but he could never agree that the noble lord was justified in fraudulently concealing the real terms from that House, and holding out others of a totally different nature. His private secretary, Mr. Atkinson, or Mr. Atkinson's broker, could not have imposed upon his lordship. The fact he alluded to was this: the day the noble lord opened the budget he stated the 150 three per cents. at 87*l.* or 58*l.* per cent. and the 25*l.* 4 per cents. at 17*l.* 10*s.* computed at 70; and the lottery ticket at about 1*l.* making in the whole 105*l.* 10*s.* or a *bonus* or profit of 5*l.* 10*s.* Let this bargain have been ever so secretly corrupt, which he should by and bye prove it was, it had every appearance of candour and openness. If it was a bad bargain, it was an open one. If it received the sanction of the majority of that House upon the worst of motives, which he believed most sincerely it did, the minister could not be charged with fraud as well as rapine; but when to this 5*l.* 10*s.* there was added 2*l.* 13*s.* which of course increased the *bonus*, which was nominally valued at 5*l.* 10*s.* to 8*l.* 3*s.* 4*d.* this he contended was not only a high breach of parliamentary trust, but it was picking the pockets of the public, to the amount of between three and four hundred thousand pounds, in addition to upwards of six hundred thousand, and taken out of those pockets in a more direct manner. It was an insult put upon parliament,

which called for most signal and exemplary punishment. It was base and scandalous to hold out to that House, that the *bonus* was only five pounds ten, when it was eight pounds three shillings; and servile and obedient as the House was known to be to the wishes and mandates of the minister, he protested most solemnly that he believed shame would have prevailed in that instance over corruption; and if the House had been informed at the time that they were paying away eight per cent. or a million of money for the loan, with a capital debt nearly doubled, he believed the noble lord would have, for once, been out-voted.

His honourable friend who made the motion had pointed out the two sources of this additional increase—the discount on the prompt or rather previous payments of the several instalments, into which the subscription had been divided; and the commencement of interest, from the beginning of the year, though the first payment was not to be made till the middle of the current month. It was not, therefore, at all surprising, that the omnium sold the first day at so high a premium, because in the nature of things it could not have happened otherwise; for on that day, comparing the prices of the several stocks, allowing nothing for speculation, or gambling in the alley, the day after the budget was opened, the omnium was intrinsically worth eight pounds three shillings. It was true, that in the course of the last week, it had fallen for one or two days below that price, which he estimated at *par*, but had since again got up to its natural level;-and his honourable friend under the gallery, who seconded the motion, had assigned a most cogent reason why it had fallen. What had that honourable gentleman said, but that in order to defeat the object of this enquiry, which the noble lord and his dependants so much dreaded, Mr. Atkinson, on the Monday, went into the alley, and sold 100,000*l.* stock, and the next day as much more. What was the language of Mr. Atkinson and his friends on that occasion? "The stock must be depreciated; a part must be sent in; the market must be glutted; the measure is become necessary." But even with these artifices, and with promises, most likely, that the friends of government should be no losers, they were not able to bring down the omnium lower than $6\frac{1}{2}$, and that only for a single day. It afterwards gradually continued to rise, and was now, as he had heard stated, up at its intrinsic value. Allowing, therefore, for the effect of speculation on one side, and the artifice used to depreciate the stocks on the other, as well as the number of needy adventurers, that had been forced to come to market in order to avoid the first payment, he believed he was fully authorized to affirm that the *bonus*, both in computa-

tion, real value, and market price, was clearly worth to the subscriber, eight pounds and three shillings per cent.

His deduction from these facts were, that the noble lord, as finance minister, was highly criminal in his own personal conduct, in so grossly deceiving, and fraudulently imposing upon the House, that his baseness in concealing the real terms, was only equalled by his guilt in agreeing to them, and that if no other fact but that of concealment were to be adduced against him, it was sufficient to prove that he had made a corrupt bargain with an evil design, namely, with an intention of corrupting whoever, within or without that House, might be fit instruments of supporting his power, or increasing his influence.

The learned gentleman had trumpeted forth the praises of the noble lord in the blue ribbon, and made his eulogy in very high terms of panegyric. He had mixed in the course of his oration a particular fact which came within his own knowledge. The noble lord had told him this, the noble lord had told him that; the learned gentleman gave his opinion unsought, and forgot to say whether any grateful acknowledgement had been made. The learned gentleman had appeared in several characters in that House; he had now added another to them. He held himself forth as the noble lord's adviser; but what did all this mighty information amount to, supposing it to be correctly and faithfully stated? To this:—to the confirmation of what the noble lord himself told the committee the first day of opening the loan, that the subscribers would give no more than 55 for 3 per cents. and 68 for 4 per cents.; but that waiting from the Friday till the Monday, in the interim, news of a tendency to peace arrived, and that his lordship profited of the intelligence; the consequence of which was, that the former were valued in the bargain with the subscribers at 58, and the latter at 70. Now, the effect of the above curious narrative was no more than the merit arising from not giving 11 instead of 8 per cent. profit on the omnium; and in argument it was fair to say, that was no merit at all; for it might be dangerous to make too bad a bargain; a middling bad one might, and he was sure would, have answered every purpose of the noble lord better than a gross, notorious, flagrant bad one. There was a knack in cheating, which would in some measure insure the property, as well as temporary possession of fraudulent gain; whereas, when the fraud was too palpable and gross, the enormity of the imposition endangered a loss of the whole.

But what did this prove, allowing it to be true in its fullest extent? That the noble lord was a person of private integrity;

that he was above being guilty of peculation for his own private advantage; and, consequently, that his hands were clean of the public money. He did not want to be told all this by the learned gentleman. He had every reason to believe it to be true; but what then? The noble lord's hands are clean: the loan might be a bad or a good one; but whether good or bad, the noble lord is a disinterested person. Now, for his part, in every point of view, he could not help thinking that it was a public misfortune that the noble lord's hands were clean, whilst those of his friends and dependants were so dirty and interested. It would have been better for the nation, in every respect, that half the profits had gone into the pockets of the noble lord, and the other half had been set off to the credit of the nation, than diverted to the pernicious and corrupt purposes to which they had been diverted. He knew the noble lord's caution and address; he was persuaded, that in such a case the transaction would have been so conducted, as not to give public scandal or offence; besides, the noble lord would act, it might be presumed, with particular caution, and be careful of risking too much, or trusting to events which might draw after them the punishment such a crime, if discovered, would deserve. In the present instance he might be as lavish as he pleased; he was innocent! Why so? Because he was disinterested. This was a mere specious, deceptious pretence; it was full of fallacy; the noble lord, though his hands might be clean, was not disinterested; if he made an improvident bargain for the purpose of corrupting the members of that House; if he employed the influence arising from that corruption to the support of his own power, he was not an innocent, but a guilty man, highly meriting public execration, and exemplary punishment.

That he had done it in the present instance was self-evident. The noble lord would never have been invited into office, but upon condition of promising to carry into execution the measures chalked out to him respecting America. He would not have been suffered to remain in office, had he refused to carry on the American war. Had the nation been left to its own free, unbiassed judgment, it would never have consented, at least, if it had, it would never have persisted in the obstinate prosecution of it, after certain events had taken place,—after France and Spain had severally declared against us. His acquiescence in those weak and wicked measures, in madly commencing, and more madly persevering in that accursed war, was the price of his place. His power could not be upheld without influence, nor that influence be procured without corruption. Would any gentleman contend,

when one man made profits within a year, by contracts, equal to an ample fortune; when another's stated income was equal to a princely revenue; when a third got half a million, a hundred thousand, or forty thousand pounds omnium, equal to an annual income of twenty, ten, eight, five, or even one thousand pounds;—was there any man who heard him who could believe that persons coming within those descriptions had a free choice or unbiassed judgment? Was it to be supposed, that they could prefer the interest of their country to the amassing great and splendid fortunes, or to answer their immediate wants? It was absurd and monstrous even to mention or press it seriously in argument: when, therefore, it was said, directly, or implied, that the noble lord in the blue ribbon was a disinterested man, because he derived no immediate pecuniary emolument from the transaction under consideration, it betrayed great art, or a total ignorance of human nature, and of the noble lord.

It was true, the noble lord had often asserted in that House, and, he presumed, out of it, that he never sought his present situation; wished not to retain it; but to get out of it as soon as another fit person could be got to succeed him. Yet it was not the assertions of the noble lord, but his conduct, which was to weigh with the public. He had felt mortifications sufficient to render any man but himself tired of his situation; it was therefore fair to conclude, notwithstanding what the noble lord might pretend to the contrary, that the love of office, and love of power, were predominant in his mind; so predominant, that he was ready to sacrifice every thing in the first instance to obtain them, and every thing in the second to keep them when obtained.

If this, then, was the real complexion of the man, and the true texture of his lordship's mind; if corruption begot influence, if influence begot power, and power ensured him a continuance in office, which seemed to be the uniform and steady object of all his pursuits,—the learned gentleman's argument was either fallacious, and meant to deceive and mislead those to whom it was addressed, or it was founded in the grossest error. The noble lord was not a disinterested man, but for the sake of power and place was ready to hazard every thing, and to secure and promote his own views by any means. He had promised the people of England, and the country gentlemen, an American revenue to lighten their burdens, when he knew very well that it was totally impracticable; but it was his interest to do so. He had run the nation fifty millions in debt, and sacrificed a hundred thousand lives in the quarrel, when he was persuaded that the money would be thrown away, and the blood of his fellow subjects spilt in vain. These were

his promises. How far had he performed them? The people were oppressed with taxes beyond bearing. Every necessary of life, or comfortable enjoyment, came doubly advanced in price to the impoverished and half-starved consumer: under the pretended name of luxuries, his beverage, whether small or strong, tobacco, sugar, and all the articles which, to a poor man, might be deemed comforts, were raised; even salt; nay, the very light of heaven was denied him. In the few moments of relaxation from toil and labour, when he might wish for the light of heaven to cheer him, his very windows were obliged to be closed up, in order to escape the cravings of the rapacious tax-gatherer; and if a chink was still left open, he understood that it was in the contemplation of the noble lord to compel the devoted, impoverished, though laborious and industrious man, to stop it up, by a new tax upon the right of nature. But what of all that? Millions upon millions were to be yearly lavished; oceans of blood were to be spilt; the last shilling was to be filched, or picked out of the pocket of the most useful part of the community; all Europe was to be menaced and invited to single combat with this devoted country, and the earnings thus extorted were to be picked out of the pockets of the people, to be transferred into those of the noble lord's friends; — and for what? not to recover America;—America was given up: —no, but to support the noble lord's power, which depended upon the wild and romantic expectation of subduing America, which was, he was persuaded, irrecoverably lost. These were the merits, these were the claims on which the noble lord was entitled to be considered as a disinterested man!

After having been very full on the disinterestedness of the noble lord, he entered into particulars respecting the loan, and its distribution.

The learned gentleman had left every part of the distribution undefended, but what respected a description of men in that House, whom he was pleased to call timid, and affected with weak nerves; he expected the noble lord would have farther urged the plea of weak nerves. Those gentlemen, he says, dislike clamour, have an horror to be made the subject of public animadversion, and of being held forth in newspapers, and other libellous and licentious publications. Now, how a man could possibly be uneasy, or suffer in his feelings, on having his conduct animadverted upon, when conscious of acting right, not only of acting in the known capacity of a member of that House, as had been contended for by the learned gentleman, (he meant the character of a subscriber,) but as a friend to his country, was more than he could well account for. It was a lawful act in the first place; it was a

mark of the minister's favour and regard; it was commendable to support government. How, then, could such public claims of merit be supposed to affect the nerves? It might to some seem paradoxical, but, when explained, would effect two things: it would shew that those gentlemen's nerves were not so radically weak as people might be apt to imagine: it would shew, that however conscious of their own innocence, they dare not trust to appearances nor meet public opinion. He would speak out:—the truth was, that those gentlemen had got part of the subscription under nominal or ideal names: it was equally evident that they knew the loan was a bad one, and they felt, for reasons best known to themselves, that it was a corrupt one. They were desirous, therefore, to enjoy the advantages, without sharing the deserved odium their conduct would draw after it. They were persons whose characters, though long suspected, had not been yet publicly known or decided. They shrunk from what others equally corrupt boldly met, who, if they had no other merit, had not the baseness attached to those weak nerves. They might have their reasons too: they would go down to their constituents, those very constituents whom they had plundered, and share the plunder with all the pretended virtue of honest men; and with an air of confidence, and a sham of hypocrisy, join in the general censure and resentment due to those who for place and emolument had sold their country; while they themselves, without any claim of merit, any duty annexed, and with a false character, had deposited in their pockets five, or perhaps ten times the sum that the pensioner or placeman derived from his grant or office.

An honourable gentleman who spoke early on the other side, as well as the learned gentleman, talked of former administrations, and the sources of influence they possessed and employed. The argument might be a good one upon any other occasion but the present, for he should state a few facts, which, he trusted, would prove beyond question, that loans or corrupt distributions constituted no part of the influence of the crown in those days. He was ready to admit the general argument, but not the application. He was fully sensible that every administration that ever had, or ever might exist in this country, would make a difference between their friends and adversaries, their supporters and opponents. It was a natural consequence of political connection; and it would be monstrous indeed if ministers should set a mark upon their friends, and cherish and favour their opponents. So far the principle of connection and favour was justified by experience. But when it was contended, as it had been on that day, that be the loan ever so bad or corrupt, or its distribution ever so

partial, the noble lord had acted right; this was at once acknowledging that the loan was so made, for the very purpose the motion was directed to discover; and therefore it was not making use of an old-established source of influence, for the strength and support of government, but creating the means of influence never before thought of but in one single instance.

He then read the *bonus* on the omnium at the opening of the budgets of 1758, 1759, 1760, 1761, the last year of the Duke of Newcastle's administration, and 1762, during that of Lord Bute. The first of those years the *bonus* was but 1¾ on two millions, the next at 1½ per cent. discount on four millions, the third at 1¼, the fourth about 1¼, though twelve millions were borrowed both years. This noble duke in all his loans had shewn, what it was the duty, and what the virtue of a minister to observe. This was a time of war, and it was the time which the friends of the present ministry thought proper to select and brand with the name of extravagance; and yet in all these times, it was not discovered, that douceurs on loans were among the sources of ministerial influence. Lord Bute's loan was the first instance of abandoned extravagance in this way. The principle was then introduced, and his was the only example to be found in the history of this country. At one time it rose, he believed, so high as 9 per cent., but then it was not the terms but the extraordinary advance upon the lottery tickets, which rose to four pounds ten shillings, on account that there were two lotteries that year. Thus it was clear, that the influence created by the loan was of modern invention, that never operated but once, and that partly from the reason he mentioned, and perhaps other unforeseen, adventitious causes.

After answering Mr. Adam very fully, and replying almost to every thing which had been urged on the other side, he recommenced a second attack upon the noble lord in the blue ribbon, reminding his lordship of having dared his honourable friend who seconded the motion, and now, when he accepted of the challenge, basely sneaking away, and covering himself from open shame, public detection and conviction, through the means of a servile and devoted majority. He then recapitulated all the leading heads of his speech, and called upon the noble lord to stand forth boldly, like a man, and defend himself, or by his silence confess that he was fairly convicted of having made an improvident and corrupt bargain in the character of public trustee, and of having prostituted the power of his office to the most abandoned, wicked, pernicious, and dishonest purposes.

Towards the close of the debate, a number of members, who during the greatest part of the evening had been in the coffee rooms adjacent, now crowded in, and called with loud and continued uproar for the question. Upon this Mr. Speaker Cornwall rose, and called them to order. In a sensible and pointed speech, he severely reprehended the custom. There were, he said, a regular set of gentlemen of a particular description, who did not think it at all necessary to attend to any part of the debate, in order to receive information, or judge where the merits of a question lay, that they might decide with decency, or vote from conviction; but they went to the coffee houses, and there spent the whole evening, and came in towards the conclusion of the debate, and with the utmost disorder and incivility called for the question, and put a hasty stop to the calm deliberations of such members as acted up to their duty, by attending seriously to the business of the House. He hoped, as it was a practice so derogatory of the honour and dignity of parliament, that he should not have occasion again to take notice and complain of the indecency. Mr. Turner was also severe on the gentlemen who had been enjoying their bottle up stairs, till it was time for them to come into the House and divide.

The House then divided:

	Tellers.			*Tellers.*	
YEAS	Mr. Byng Mr. Hussey	163.	NOES	The Earl of Lisburne Mr. John Robinson	209.

So it passed in the negative.

SIR GEORGE SAVILE'S MOTION FOR REFERRING THE PETITION FROM THE DELEGATED COUNTIES, FOR A REDRESS OF GRIEVANCES, TO A COMMITTEE OF THE WHOLE HOUSE.

May 8.

THE Delegates who had been appointed by several of the associated counties, in order to give support and efficacy to the subject of their former petitions to parliament for a redress of grievances, met in London to the number of between thirty and forty. They had themselves, as acting for their constituents, prepared a petition to the House of Commons, in which the substance of those already presented being compressed within a narrower compass, the matters of grievance complained of, and the redress proposed, were brought forward into one clear point of view. But as many persons, otherwise fully coinciding with their opinions, were exceedingly jealous of the measure of appointing delegates, and so far from hearing or receiving any thing from them, would not acknowledge the political existence of any such body; upon that account, and in order to obviate the difficulties which would have been thrown in the way upon the same ground by their declared op-

posers, they subscribed the petition merely as individual freeholders, without any assumption or avowal of their delegated powers or character, although they were matters known to every one. The petition was presented to the House, on the 2d of April, by Mr. Duncombe, one of the representatives of the county of York, setting forth:

"That this nation hath been engaged for several years in a most expensive and unfortunate war; that many of our valuable colonies, having actually declared themselves independent, have formed a strict confederacy with the ancient enemies of Great Britain; that the consequences of these combined misfortunes have been, a large addition to the national debt, an heavy accumulation of taxes, a rapid decline of the trade, manufactures, and land rents of the kingdom; that, notwithstanding this calamitous and impoverished state of the nation, much public money has been improvidently squandered; and that many individuals enjoy sinecure places, efficient places with exorbitant emoluments, and pensions unmerited by public service, to a large and still increasing amount, whence the crown has acquired a great and unconstitutional influence, which, if not checked, may soon prove fatal to the liberties of this country: and your petitioners farther shew, that your petitioners, jointly with others, freeholders of several counties, and electors of several cities and towns in this kingdom, did, in the last session of the late parliament, present to the honourable House of Commons, humble petitions, requesting that some remedy might be provided by the wisdom of parliament against the extensive and unconstitutional influence of the crown, and some stop might be put to the lavish expenditure of public money: and your petitioners beg leave to state, that the matter contained in the petitions so presented by your petitioners and others, was taken into consideration by that honourable House; and on due and mature deliberation that honourable House resolved: '1. That it is necessary to declare, that the influence of 'the crown has increased, is increasing, and ought to be diminished: 2. That it is competent to this House, to examine into, 'and to correct abuses in, the expenditure of the civil list revenues, as well as in every other branch of the public revenue, 'whenever it shall appear expedient to the wisdom of this House 'so to do: 3. That it is the duty of this House, to provide, as far 'as may be, an immediate and effectual redress of the abuses complained of in the petitions presented to this House from the 'different counties, cities, and towns, in this kingdom:' and your petitioners beg leave farther to state, that before that honourable House had effected that diminution of the influence of the crown, and had provided an effectual redress of the grievances complained of in the said petitions, the said parliament of Great Britain was, by his majesty's royal proclamation, dissolved: your petitioners, therefore, on behalf of themselves and others their fellow subjects, who joined with your petitioners in the said petitions, appealing to the justice of this honourable House, do most earnestly request, both for the relief of the subject and the safety of the constitution, that this honourable House will proceed to enquire by what means

that diminution of the influence of the crown may be obtained, which the last House of Commons declared to be necessary; and that this honourable House will proceed to examine into all the branches of the expenditure of the public money: and also to enquire what expences can be retrenched by an abolition of sinecure or unnecessary places, by a reformation in respect of pensions unmerited by public services, and by a reduction of the exorbitant emoluments of office; and that the produce be appropriated to the necessities of the state, in such manner as to the wisdom of parliament shall seem meet." The petition continued upon the table until the recovery of Sir George Savile, who was to proceed with the business. On the 8th of May, Sir George introduced his motion for referring the petition to a committee, with a speech of very considerable length, in which, with his usual accuracy and comprehension, he stated the causes, progress, and history of petitions without doors, with the reception they met, and the effect which they produced within; particularly reciting the resolutions of the last parliament, on the 6th of April 1780, which afforded so clear a sanction to the complaints of the people, and by which that House was pledged to a speedy redress of their grievances. The motion of commitment meeting with a strong and determined opposition, and being no less vigorously and ably supported, all the arguments *pro* and *con*, that had hitherto been used upon the subject of petitions, grievances and redress, with all those that could now be thought of, were repeated or brought forward; the whole being blended with new matter, relative to the powers assumed by the delegates; which, though not properly within the line of debate, as they did not appear in that capacity with respect to the petition, was, however, continually pressed into notice by those who opposed the motion. The debate was long, and exceedingly interesting; several constitutional points, with respect to the interference of the people, and the powers of government, were ably and fully discussed. The motion was principally opposed by Mr. Rawlinson, Sir Horace Mann, Colonel Roberts, Lord Fielding, Mr. Courtenay, Mr. Rolle, Sir Francis Basset, The Solicitor-General for Scotland Mr. Alexander Murray, Sir William Dolben, and the Attorney and Solicitor-General. It was supported by Mr. Duncombe, Mr. F. Honeywood, General Burgoyne, Mr. Byng, Mr. Thomas Townshend, Mr. Powys, Sir H. Hoghton, Sir George Yonge, Mr. Martin, Mr. Harrison, Mr. Alderman Sawbridge, Lord Maitland, Mr. Fox, Mr. Dunning, Mr. Turner, and Lord Surry. When Sir William Dolben sat down,

Mr. Fox rose, and in a speech of considerable length, adverted to every argument that had been advanced in opposition to the motion, with a power of argument and eloquence peculiar to himself. He observed, that the arguments made use of, by those who opposed the motion of his honourable friend below him, were equally novel and unanswerable; for no man knew how to meet them; they having assumed such a diversity of shapes and forms, and so many observations had

fallen in the course of the debate, totally extraneous to the subject matter; but which, by a curious species of logic, had been made to apply to the motion, and, in the apprehensions of those who made them, were deemed to be decisive of the question.

It has been argued by some, said he, that the public money has been, and is faithfully, expended; by others, that the influence of the crown is not increased, and of course ought not to be diminished. By a third description, it is acknowledged, that œconomy is necessary, and that the public expenditure may be improved; but that measures are now taking for that purpose, and our interference is therefore unnecessary. Others again say, that the meeting of the delegates was illegal, and that those who composed it are punishable. It has been allowed, that the meeting might be innocent, but it was the conduct of the persons who associated which rendered it criminal. Another description of persons say, the present petition is premature, because the principal object of redress is in the hands of the commissioners of accounts; and above all, it has been warmly pressed, that the persons, whose names are signed to the petition, come here in disguise, in the character or capacity of freeholders and citizens; whereas they are in fact delegates: if delegates, their petition ought not to be sent to a committee of the whole House, because they have usurped the rights of that House and the legislature at large: if freeholders, they are too few in number to deserve the attention of that House; and finally, however few or insignificant, that they have transgressed an act of parliament, because the petition is signed with more than twenty names.

This, he said, was but an abridged state of that torrent of eloquence and reasoning which had that night been urged in the course of the debate. However unequal to the task, he would endeavour to give each of those objections a separate and distinct answer, and make such observations in proceeding, as might suggest themselves to him, in reply to the very numerous miscellaneous remarks which were blended or connected with those arguments he had already enumerated. He would not undertake to answer them in the order they were urged, but would have recourse to his memory, merely as the points might arise in his mind.

It was urged, with great seeming weight, and studied plausibility, that the petitioners came to that House in disguise; for although they pretended to be the men they really were, namely, the freeholders and citizens of the places within which they were resident, they were in fact delegates; therefore their prayer or petition was not to be en-

tertained in that House. Why so? because they considered themselves paramount to the House itself, and meditated the subversion of the constitution. The proof was perfectly equal to the reasoning which accompanied it. The petitioners were delegates, because, though the delegates meant and thought themselves competent to controul the legislature, the petitioners did not, but prayed relief from their representatives in parliament.

So far the proof of their being delegates was overturned. The committees, associations, and delegates, wish the subversion of the constitution, say those who argue in this stile; the petitioners, on the contrary, acknowledge the sovereign and omnipotent power of parliament, and come to it for redress; consequently their political principles are not the same; or those, who have charged the delegates with such tenets, have purposely or ignorantly misunderstood, or misrepresented them. Besides the fallacy of this mode of arguing, he would just point out the absurdity which it involved; for, if the argument was a good one to-day it was no less so yesterday. Why entertain the petition at all; or, having entertained it, why object upon that ground? If the petitioners were delegates, and on that account ought not to be heard, they should have been told so in the first instance; for most clearly, if it was improper to refer the petition to a committee, it was equally so to receive it when first presented.

The present petition was precisely the same as many of those presented last year, and substantially the same with those upon which the House had come to the three resolutions, voted by a great and respectable majority of that House on the 6th of April, 1780. The House then resolved, what has now been controverted, or expressly denied, by almost every person who had spoken on the other side. The honourable gentleman who spoke last, (Sir W. Dolben,) with whom he had the pleasure of dividing on that night, said, the petition was premature; for the commission of accounts had been instituted in consequence of the petitions. Granting, for a minute, the fact and consequence to be true; surely, the giving redress respecting the expenditure of public money, by no means came up to the prayer of the petitions, nor the resolution of the 6th of April last year; which affirms, without reserve, "that the influence of the crown had increased, was increasing, and ought to be diminished;" nor with the concluding resolution, which asserts, "that it is the duty of this House to provide an immediate and effectual redress of the grievances complained of in the said petitions."

This argument, he acknowledged, only applied to such as voted for the resolutions of the 6th of April; while with those, who were of opinion then of the impropriety of coming to that vote, and those who had since that period come into parliament, it was quite otherwise; but until the gentlemen then and now in parliament, who voted with him on the 6th of April, publicly recanted, and assigned the motives for their change of sentiment, he had every good ground of persuasion that they would continue to maintain their former opinions.

While he was on this part of the subject, he could not avoid taking some notice of what had fallen from a noble lord, who spoke early (Lord Fielding). It gave him pleasure to perceive a person of his rank, at so early a period of life, turn his attention to matters of a public nature, and of public interest. He had another reason for being well pleased, as it gave him an opportunity of informing the noble lord of some circumstances which might have escaped his notice; and consequently, which might have led him to draw conclusions which were not founded. The noble lord laid it down, as a matter not to be controverted, that the present minister and his measures were supported, not by the arts of corruption, not by the effect or operation of hopes and fears on different men's minds, respecting place and emolument, but by a most respectable independent body of men of landed property, who supported government upon principle and conviction, namely, the country gentlemen. No man had a higher respect or veneration for this description of men than he had. He knew their value; he loved, he revered them. He was bound to them by sentiment as well as opinion. People were always prejudiced, as it were, in favour of those who thought and acted with them. He was bound to them by affection, and it was with infinite pleasure he beheld, upon that memorable night, the 6th of April, that out of the whole body he missed but two or three who differed, he presumed, from their brethren, upon motives perfectly justifiable in their origin. He had every reason to believe that they were actuated by opinion, and not by servility. They might entertain an idea that the propositions were untrue, or the time unseasonable, for the reform; and, possessing those sentiments, they were not wrong in avowing them. He made no doubt, let the event of the division be what it might, that he should be accompanied by persons of this description into the lobby, by the whole body of country gentlemen, a few excepted, who might continue with the minister upon principle.

The noble lord's idea was, however, a good one, nor was it without an intended effect. On questions where the strength of both parties was nearly equal, a few votes were valuable, and the importance given to certain persons who might wish to rank themselves with so respectable a body was flattering. It sounded well, after arranging both sides of the House under the banners of party, to say that the honest, independent, and truly respectable part of the House threw their weight into the scale of the minister, and made him successful.

But he begged the noble lord to believe him that the case was exactly the reverse. It was the trained bands, under the well-known command of the muster-master-general, to borrow a term from his lordship, who carried every question in that House; it was those who were in possession of great emoluments, of pensions and inefficient places: it was the contractors, whose profits within a single year amounted to almost a princely fortune; it was the subscribers to the loan; it was the man who could make thousands in a morning, by writing his name or being listed in the minister's loan; it was these men who in the midst of national misfortune and of public calamity, in the distress of a ruined commerce and of multiplied taxation, a depopulated kingdom and a dismembered empire, were amassing fortunes by their servility, and growing rich by the support of measures which made other people poor. These formed the motley group which the noble lord was pleased to honour with the appellation of country gentlemen. It was the men whose names were concealed in the minister's list of the loan, as well as those whose "strength of nerves" emboldened them to stand forward as the receivers of eleven per cent. on the amount of their subscription. He was sorry that the honourable gentleman who spoke lately under the gallery, (Mr. Courtenay,) had so much reason to complain that his part of the subscription was not larger. There was no man better entitled to it, for the minister profited by the strength of those nerves which served him both as pastime and support. These were the men who decided every question in that House.

Who could be surprised that the muster-master-general should have proved so victorious in the course of his several parliamentary campaigns? Who could be surprised, for instance, that he should prove victorious that night, however improbable, considering the expected issue in a light merely abstracted, unless he should have recourse to his memory? In that event he must recollect that upon a loan of twelve millions, one million had been snatched out of the pockets

of the public, to be deposited—where? why, to be transferred into the pockets of this new description of country gentlemen; that only two days ago, three millions and a half had been voted without account into the pockets of a few favourite contractors; and that twenty millions was the annual expenditure, the profits on which were regularly divided among his friends and supporters.

The use made of the name of the country gentlemen by the noble lord, put him in mind of the glory obtained by the several branches of the House of Bourbon: the Prince of Condé, while a stripling, is made general of an army; he defeats his enemies; his fame blazes like a meteor; he is held forth as a great officer; and his military knowledge is said to be intuitive; the blood of Bourbon is the cause of his success! But is this the real cause? No; is it not known that he is put at the head of an army, veteran, and disciplined, enured to arms; and that he owed it to the knowledge and experience of his officers, the bravery and military valour of his troops? Shall we, then, ascribe the victories of a minister in parliament to the country gentlemen? Shall we say that the most valuable, independent, and upright members of the community would contribute to their own and their country's ruin? The idea is absurd. Every member of this House, who gives himself the trouble of attention, sees that it is not to the country gentlemen, but to that formidable band of agents, contractors, pensioners, and dependents, to which the muster-master-general owes his success. These are the men, who, to raise a revenue, gave their sanction to the war with our colonies. No sooner had they done so than, actuated by timidity and irresolution, they abandoned first the revenue, and then the dominion; nay, so unsteady was their conduct that they again changed their measures, and adopted that plan which has involved the country in ruin and distress. He would venture to affirm, that there was hardly a member of this House who would seriously maintain that America could be recovered by force of arms; even administration themselves from experience knew it to be impossible. Could there be any reason, then, for the prosecution of a war which afforded no prospect of success? None, but in the mean and sordid motives of avarice and self-interest, which evidently actuate the minister and all that numerous herd of placemen and pensioners who lived by his smiles, and were supported by his power. Was it to be supposed that a minister influenced by such principles would abdicate his office? or that his adherents would abandon their interests? No; such an event was rather to be hoped than expected; his safety depended on his continuance in office, and the moment he retreated he was undone. The

condition under which he acts was positive; it was determined that the wealth of this country should be dissipated, the blood of our fellow-citizens spilt — to what purpose? merely to support his power and that of his adherents.

The honourable gentleman then endeavoured to shew the absurdity of the arguments made use of against his honourable friend's motion. Before he should descend to particulars, he thought proper to avow that he was a delegate; and although he had not petitioned as a delegate, he should not have come to that House for redress, if he had not acted in that capacity; the truth was, that he and several other gentlemen were of opinion that the petition should have been signed and presented by them as delegates, while others, equally persuaded of the legality of the measure, objected to it for this reason; that although the propriety of presenting the petition was almost universally acknowledged by the House, yet that of forming associations and appointing delegates was not. They were apprehensive that if the petitioners should come to parliament as delegates, their petition would lose some part of that support so necessary to give it success, as gentlemen were not perfectly agreed on the doctrine, and even good men might differ on a point depending upon opinion. On that ground he gave up his original intention out of deference to the opinion of those with whom he acted; not out of apprehension of danger: he was persuaded there could be none; though no lawyer, he understood it to be law, that whatever rights he possessed as an individual he might delegate to another, if not restrained by some positive law or restrictive usage; and that whatever power he, as principal, could legally exercise, his substitute was equally entitled to the same.

He could not help expressing his astonishment at what he had heard in the course of that evening: it was said, that acting as a delegate he could not come forward as an individual, or being considered as a delegate, the petition could not be accepted. The former he presumed was out of the question; the latter had been frequently answered: the argument amounted to this, that because he met, as a delegate from the citizens of Westminster, the delegates from the county-meetings, he was not Charles Fox, a citizen of, but a delegate from, the city of Westminster. This was surely reasoning in a most extravagant manner. He would demonstrate its absurdity by an allusion of a familiar kind, and which would explain his sense of such a solemn mockery of common sense: should he call upon a person about business, and after announcing himself, it should be answered, "I do not know you as Charles Fox; I know you only as one of the representatives for the city of Westminster; you may be

Charles Fox, but if you are, I cannot speak to you on the subject, because I knew you before as a member of parliament only." This would be a very extraordinary kind of conduct; but it is upon such grounds they have attempted to defeat the object of this petition: we know, say they, that the persons who have signed this petition are freeholders and citizens; but we also know that they have acted as delegates from the associated counties; consequently, we shall consider them in a character in which they do not come before us, and by this means exclude them from relief, and deny them that character which would at least entitle them to a hearing, and to a full investigation of the grounds of their complaint.

He observed, that those who were called upon to maintain the propriety of the present motion, for sending the petition to a committee, were extremely unfortunate. In the instance of last year, when petitions were signed by four or five thousand names; and when those petitions were crowding in from every corner of the kingdom, what was the language? that the petitioners were so numerous as to create an alarm in that House; that their meetings were tumultuous, and might terminate in commotions; that they ought to be discouraged, and even suppressed; that parliament were the exclusive judges of existence of grievances, and of the relief to be granted. Now, a very different language was held; it was now said, that the petition ought not to be attended to, because out of the great body of the people of England only thirty-four names had appeared at the end of it: and that even these had been procured by the artifices of a faction, whose grievances were imaginary, but to whose complaints there was no end; so that whatever way the argument was shaped, the answer was ready, that the object of the petition might be defeated. Last year the petitioners were too numerous and formidable to be listened to; now they are too few and insignificant. Oh! (say some gentlemen) the malcontents are not petitioners, they are delegates; if they were petitioners, they would be worthy of attention; but when last year they were petitioners and not delegates, they afforded just cause of apprehension for the quiet and safety of the kingdom. The commencement of the troubles in the reign of Charles I. had been resorted to in the present case as a precedent: now however, when every pretence for apprehension was groundless, these few individuals were meditating, in secret, the subversion of government and the destruction of the constitution.

But as, in the first instance, these apprehensions were imaginary, he would now inform these gentlemen, who held the

petitioners in so contemptible a light, that they were then, as well as now, equally mistaken, either through ignorance or design. The petitioners of the year 1780 were not actuated by the motives of faction or sedition; neither were the present petitioners so very insignificant as they were held forth to be. They represented the sentiments of eight great counties, which in number and property contained a majority of the whole kingdom; and he would venture to say, that of those counties, who did not petition, a majority would be found who were congenial in their political sentiments.

An honourable gentleman, who spoke lately under the gallery, (Mr. Courtenay,) said, that in every government of a mixed or popular form, the middle rank of people were those whose voice ought to be more especially attended to: they were the true echo of the nation; that, equally separated from the contagious influence of a court and the temptations of indigence, they were placed in a situation which commands respect and attention. This was an observation that indeed carried an appearance of truth and plausibility; but which experience, even so far as it applied to himself, proved to be totally fallacious. The sense of the people, or great body of the nation, was, in his opinion, the true criterion by which public opinion could be fairly determined. The people were now as well as then for the petitions, and he proved it by the most convincing of arguments, that of experiment.

He had been called upon by the citizens of Westminster in a very particular manner, before he had the honour to represent them in parliament. He was called to their public meetings, and was in consequence of that temporary connection, deputed by them to present a petition to that House. Having complied with their request, he presented a petition signed with five thousand names.* He was farther invited to represent them in parliament at the next general election: he promised he would offer his services when an opportunity should present itself. A premature dissolution soon after taking place, the moment arrived when it became necessary for him to consult his friends and to weigh the probability of success against the numerous obstacles which stood in his way. Some of his friends spoke to him in what they deemed the language of prudence, that although five thousand people had made choice of him to present their petition to parliament, he would find it a difficult matter to procure the suffrages of so

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* See p. 249.

great a number. They urged to him the powerful opposition meditated against him. They said enough to deter or discourage him from offering himself a candidate, but he knew the people; he persevered, and success was the consequence; for notwithstanding the great, natural, and family interest he had to encounter; notwithstanding the whole weight of administration thrown into the opposite scale; he, or rather the people, triumphed over every obstacle and every combination that was formed against him.

This was the consequence of the support of the people properly so called; they could not be bribed nor seduced; they were not to be corrupted nor deceived: nothing was left untried; it was a favourite object; but all the attempts made to defeat his election proved abortive. He was not supported by what is called the great, or what the honourable gentleman under the gallery, called the middle class, but by the people at large, coming within all descriptions. And the motive which principally induced him to mention these circumstances, was, to shew that the people were friends to the petitions; for, besides ministerial power and family connection, no art was left unassayed to disparage and lessen him in the eyes of the people: but how was this done? Not a syllable relative to his having been an associator or a petitioner; no, his antagonist knew too well that such a charge as that would prove the strongest recommendation; that charge was carefully avoided, but a charge of a very different nature was urged against him. It was said, he had voted for taking off some of the disabilities and severities inflicted on Roman Catholics, by the 11th and 12th of William III. Not a word of petitions; his crime was, that he had been a favourer of popery. If, wishing to prevent men from being punished for speculative opinions respecting religious matters were a crime, he gloried in the guilt, supposed to arise from acknowledging such an accusation. He certainly voted for that bill; and when a most tumultuous, outrageous, and daring mob, came to the doors of that House, to overawe parliament, and compel that House to a repeal of that act, he was one of the first who set his face against so daring an outrage. He was equally happy now, upon recollection, that he was likewise one who divided in a majority with the minister, in support of a bill for putting that matter upon a clear, equitable, and permanent footing.

Yet, after every means used to lessen him in the opinion of his present constituents, he prevailed. His being a friend and promoter of the petitions, proved a sufficient recommendation, and he was satisfied that the same spirit directed the conduct of the people in every other part of the kingdom. He would

appeal to every gentleman present, who stood in the same predicament with himself, if they did not find themselves successful in proportion as they had proved friendly to the petitions. He was convinced it was so; he had made every possible inquiry which could enable him to make a just estimate of the sense of the nation; and he had learned that fortune and success had uniformly attended those candidates, where a freedom of choice remained with the electors, who had been the promoters or supporters of their petitions.

The noble lord who spoke early, observed, that the question was totally changed; since the last year, associations and committees appeared, not only in a speculative light, as tending to mischief, but had actually produced those mischiefs which had been so frequently predicted by several gentlemen in that House. The mischiefs he meant were the daring, dangerous riots or insurrections in the month of June; which, from their complexion and obvious tendency, were directed to the subversion of all government, to dissolve the constitution, and overturn all law.

He was ready to agree with the noble lord in his description of the riots, nay, to execrate, in the strongest terms, every single step taken in that transaction, as well as to condemn the ministers, who were in fact, no matter whether by design, ignorance, or neglect, the real authors. Indeed, if mere appearances, in the first instance, and consequences in the second, were to govern men's opinions, a man, without being charged with an ill-founded suspicion, would be entitled to say, that they were the premeditated authors of all those horrid mischiefs which had been perpetrated by that execrable and horrid banditti. As he proceeded, he should assign his reasons why ministers, at least, in this point of view, as persons interested in the event, might be well suspected: at present he should content himself with urging the charge of mere ignorance and criminal neglect.

A noble lord, not at present a member of that House, was permitted with impunity, day after day, to use a language which, he would venture to affirm, was never before permitted to be used in a British or English House of Parliament, so long as the constitution was supposed to exist, or the three branches of the legislature were permitted, or not controuled by external force. It was not disorderly to mention the noble lord to whom he alluded: he meant Lord George Gordon. That noble lord not only pointed out what he thought, under the then existing circumstances ought to be done, on certain great questions of law and policy, but what, as far as he was able, he meant to carry into execution or meditated. His predictions were strictly verified. The noble lord was as

good as his word. He told that House, if they did not acquiesce in his political opinions, that a certain class of people, whose director and whose mouth he was, would take the government into their own hands, and deal out that redress to themselves which ministers and the majority of that House professed an intention to deny.

The noble lord, in almost every debate, for months together, held out a repetition of this language, and a succession of threats. Was not this endeavouring to overawe the legislature? Was not this attempting, so far as it went, to subvert the constitution? Ministers, nevertheless, remained silent and inactive. If these had been the reveries of an unsupported individual, ministers might have some apology; but the fact was, and it appeared by the journals of the House, that there were great numbers, both in the metropolis, and in several parts of the kingdom, who united strictly in sentiment and opinion with the noble lord; yet all this time ministers seemed to be in a state of indifference to what was passing; they gave themselves no trouble, but seemed to be waiting for the event, either as if they wished for it, or were totally regardless of the consequences.

Immediately before that fatal event took place, an incident happened, which took from them all apology or pretence; for the noble lord so often alluded to, published an advertisement in all the newspapers, wherein the great outline of his intended plan was faithfully delineated. He invited all the Protestant Associators, to the number of several thousands, to meet him, not in a house, or hall, but in St. George's-fields! His reason was curious; for, besides confirming what he had so often foretold, that the protestant associating petitioners, by their own power and number, would redress themselves, and compel parliament to comply with the prayer of their petition, his lordship observed emphatically, that there was no hall in the metropolis capable of holding forty thousand men. Three days successively did this advertisement appear, but still ministers slept. The day arrived; the petitioners, and the rabble who joined them, came down to the doors of that House, and fully and strictly verified his lordship's repeated predictions; and that House was no more —parliament was no more; for he was convinced that there was nothing that those rioters could have asked, at the moment alluded to, which would not have been immediately granted. Providence had ordered it otherwise; for certainly, such was the then state of things, that it was the interposition of Providence alone which could have rescued this country from total and inevitable ruin. The moment was

critical; the people, stunned and astonished, began to recollect and recover their senses; they perceived the danger at hand, which ministers should have in time averted, and a combination of subsequent circumstances, of the most fortunate nature, united to save this seemingly devoted land. Riots of the most unheard-of nature broke out in almost every quarter of the town; such, he believed, as never before broke out in any civilised country, in which the very mob got uppermost, and directed their savage attacks against every thing great, good, and respectable; against the sovereign power; the two deliberative branches of the legislature; the laws; and the magistrates appointed to administer justice in its highest as well as lowest forms. He would not enter into particulars; it would be painful; it would be mortifying. It was sufficient to observe, that part of this Gothic and inhuman rage was directed against his honourable friend below him, who made the motion; and that by the most unprovoked collection of lawless ruffians, and incendiary villains, he believed, that ever before disgraced any society since the first establishment of civil polity.

The noble lord's language, who had spoken early, might be applicable at a former period, when men's minds were agitated with hopes, fears, resentments, and vague suspicions; but he confessed he was astonished to hear his lordship draw, from a single fact, two conclusions direct or implied, which the fact by no means warranted. First, that the riots were the offspring of the petitions; and, secondly, that the mischiefs which were committed by the rioters, were a good ground for discouraging petitions in times to come. In the first place, he would tell the noble lord, if he was still ignorant, that no man more sincerely abhorred and detested the conduct of the rioters than the promoters and friends of the petitions, both within and without doors; that they were marked out by this banditti as the objects of resentment, as much, if not more than even ministers themselves; and that so far from hurting their interests as candidates in the several counties, cities, and towns which they wished to represent, the fact was directly the reverse; for the petitioners, almost to a man, succeeded; while it was known to the constituents, who sent them to this House, that both equally joined in a just abhorrence and detestation of those lawless ruffians, whose object was not reformation, but a dissolution or subversion of all government, and consequent anarchy, plunder, conflagration, confusion, and ruin.

He would not say that the noble lord, who was the innocent or criminal first mover in those horrid outrages and Gothic barbarities, had any design; nor whether motives of

a very criminal nature might not be concealed under it; but certainly suspicions were entertained that he had been set upon this business by ministers, in order to strengthen the hands of government, then trembling and feeble. He did not look so far, and therefore formed his opinion upon *prima facie* evidence, that the noble lord was in earnest; but still he could not help observing, whether there was any communication or not between the noble lord and any of the heads of administration, because the friends of the same administration now contended, that the delegates, or petitioning representatives, of so respectable a body of the freeholders of England, are, if not directly threatened for assembling and acting as delegates, charged, at least, with the commission of a crime for so doing; and told, that they are amenable to the law for that conduct, and ultimately liable to punishment, though the advertisement alluded to, and the assembling in St. George's-fields, in consequence of that invitation, was what the ministry and the crown lawyers have since called levying war within the realm, which they afterwards worked up into a specific charge of high treason. When he said this, he did not mean to be understood as subscribing to this crown or ministerial law doctrine; on the contrary, it was clearly his opinion, that it was not founded: he only mentioned the circumstance, in order to shew in how much higher favour the noble lord stood with administration than the petitioners did in behalf of a majority of the freeholders of England. The noble lord, according to this ministerial doctrine of constructive treason, might meditate and announce an intent to commit treason, or actually commit it, so far as the intention could constitute the crime; while the present petitioners were in a manner proscribed for no other reason, than because they had presented a petition to that House signed by more than twenty names.

He should now go back, and make an observation or two upon what fell from the noble lord, so often alluded to. The noble lord said, the riots had secured to the minister a decisive majority in that House, particularly against any motion for reformation in the state, or innovation in the constitution, on account of the fatal consequences which the riots produced; and that men in power had displayed equal wisdom and vigour, in suppressing those commotions, as well as moderation in the exercise of that additional power with which the public preservation had necessarily vested them. The first assertion he had already fully answered, by demonstrating, that it was not the friends of the petitions who had any hand, directly or indirectly, in fomenting or committing the riots, but the ministers, by their shameful neglect and inattention,

or from worse motives; and as to their wisdom or moderation, they were, he presumed, entitled to very little merit; or, if any at all, only that species or degree of merit which a careless or mischievous servant would be entitled to claim, who had permitted his master's house to take fire, and afterwards exerted himself in effecting its extinction; or perhaps the simile would be more fit and applicable, if he should say, a servant who had wantonly set his master's house on fire, in order to establish a claim of favour, in proving his ability and skill in afterwards stifling it.

That the riots were a fortunate circumstance for this country he denied; on the contrary, it could never be recollected without a mixture of horror and regret: but he was ready to allow, that it was a most fortunate circumstance for ministers. At the moment that those riots commenced, administration were crumbling to pieces; and if they had been protracted, or had not happened, it must have suffered certain dissolution, as they would not have dared to meet the then parliament again, nor ventured to call a new one.

After having dwelt some time upon the circumstance that the breaking out of the riots operated to the political salvation of the minister, he next turned his attention to the imputed wisdom and popularity of the present administration. In contradiction to the first, he gave a correct outline, upon a small scale, from which it appeared that all our misfortunes were owing to the misconduct and fatal obstinacy of the king's servants, and as to their popularity, the pretence to any claim of that kind was out of the question. It was evident, he said, that they were equally mistrusted and despised, not only by the people at large, but what was more, by all the first characters in the two military professions, the navy and army, which presented a most melancholy and alarming aspect; because it involved this consequence, that when those appointed to deliberate, and those appointed to execute, were separated by distrust and want of mutual confidence, it was almost impossible that any measures should succeed, at least succeed to any happy or fortunate extent. Situated as this nation was, we required the most able heads to deliberate, and the most skilful hands to execute; but if men of the first talents in the profession were driven from the service, or discouraged from entering into it; if the moderate men felt this discouragement, nay, if the very avowed friends of government declined service, conscious that they could neither understand nor obey the orders or instructions under which they were to act; or, having obeyed them, that they were sure to stand unprotected by their principals, and be liable to public disgrace; where was the man romantic enough, however warm or zealous in his country's cause, who

would dare to face such a variety of risques and difficulties, and that scarcely without the hope of being able to balance them by rendering the state any material service? It was out of nature—no such character could be found. He would however mention one exception, but that exception stood upon peculiar ground,—he meant the gallant and fortunate admiral now in the West Indies, Sir George Rodney, of whose high and meritorious services too much could not possibly be said; a man to whom his country owed every sentiment which gratitude and just admiration of his profession, skill, and indefatigable labours, could suggest. But it was well known through what channel, and by what means that officer was called into the service of his country; he had a near relation in administration; he would not say that was the channel, but he believed it was pretty well understood that he was not the choice of the noble lord at the head of the admiralty.

He then, with great severity, attacked the whole body of ministers, and said he begged leave to make one exception, though the person meant was not in that but the other House. As an honourable gentleman justly observed, early in the debate, a man's independence was not to be measured by the greatness of his fortune, or the number of his acres, but by the frame and texture of his mind; by his disregard of trifles, or matters of little value, when weighed against public virtue. The man to whom he alluded, the Lord Chancellor, came within that description. He was able; he was honest; and he possessed a noble and independent mind. He was the only person who formed a part of the present administration entitled to the character. His reception and situation among his colleagues might be easily guessed. They hated him for his virtues; they envied him for his abilities; they teazed and thwarted him; they took every occasion to make his situation uneasy. But from his own great mental resources his spirit broke forth, expressive of the injuries intended, and the contempt in which he held them.

The honourable gentleman under the gallery, (Mr. Courtenay,) who possessed the happy knack of perceiving every object in all points of view but its true one, had, in his peculiar stile of ridicule, though by the grossest perversion of common reasoning and common sense, concluded, that those whom he stiled Opposition, or with whom he had the honour usually to vote and divide, always exulted when bad news was received; because the more adverse our affairs turned out, the more unfortunate we were, the more likely the credit of the ministers would be affected, and of course the greater probability there would be of a change of administration. Now,

if the honourable gentleman had been in the least acquainted with the subject, he would have drawn conclusions of a directly opposite nature from the same facts: he would have argued, that the more unfortunate and disastrous we were, the greater likelihood there was of the present set of men remaining in office. It was their blunders, misconduct, and misfortunes, which had proved their best recommendation. In proportion to each, their support and power had increased, and if any just or certain estimate could be at all made, or drawn from experience, as soon as the public affairs came to be wisely or successfully administered, from that very moment their power, consequence, and existence, as ministers, would be at an end.

He expressed his astonishment, that gentlemen, particularly such of them as had sat for any considerable time in parliament, should have so far mistaken its true nature and essence. It was observed, with much decent solemnity, that the last parliament was no more; and that the present differed from it in many of its features, and in none more than upon the question now before the House, respecting petitions and a redress of grievances. He differed widely from those gentlemen who reasoned in that manner. He had sat in the first session of the last parliament, and he well remembered the temper of the House, and the decided, nay, very extraordinary majorities, by which the minister carried almost every question. He had lived long enough after to see the opinion of the House nearly in equilibrio upon the presumed merit or demerit of the same minister. He was a witness to the same House, resolving, that the influence of the crown had increased, was increasing, and ought to be diminished; and that it was the duty of the House to give immediate and effectual redress to the grievances of the people. These were some of the leading features of the last parliament. When, therefore, gentlemen drew conclusions from the declared sense of the House, in the first session of a new parliament, he wished to remind them that many things happened in the first session of a new parliament, which perhaps, did not convey its present sentiments, much less held out a pledge to ministers that the prevailing sentiments of the time were genuine, or promised to be permanent.

In the heat of contest, in the diversity of opinion, it was impossible to speak with certainty and precision. He doubted not, but some who voted in the last parliament might have had their particular reasons on both sides of the question; but, making all fair allowances, he looked upon himself entitled to say, that whether the resolutions of the last session were owing to its verging towards its natural demise, and

those of the present session owing to their being rendered for seven years independent of their constituents, still a great, numerous, and respectable body of men stood forth the champions of the people and the supporters of the popular cause: the same men, who had remained unshaken in the most mortifying, unpleasant, and discouraging situations, would, whenever occasion rendered it necessary, act in any other capacity, which the voice of the people, the urgency of the times, or a call of duty, might render necessary. Their resolution, their manliness, their perseverance, had been manifested in their senatorial capacity so often, that it would be needless to dwell upon the subject, or enter into particulars. The same mind, the same sentiments, the same stile of thinking and acting, would suit itself to every proper occasion which might present itself. The persons he alluded to acted from conviction, from a sense of duty; they were neither to be frightened, seduced, misled, nor corrupted. The same fortitude which had carried them through so many trying situations, fitted them for scenes of greater activity and more personal hazard. His honourable friend, (General Burgoyne,) who had expressed himself so nobly, in the early part of the debate, had almost precluded him from avowing his own particular sentiments; but as he was on the subject, he thought he could not better express them, than by adopting those of his honourable friend, which were, that as he had devoted his life and talents to the people, and of course to promote the good of his country, so, whenever he should be called upon by them, both were at their service to command, so far as the constitution and the laws authorized the call and acquiescence; he meant, so soon as any direct inroad was made on that constitution, and those invaluable blessings and privileges it was meant to secure and defend.

Public virtue, he made no doubt, would always in the end triumph over public perfidy or want of principle. Men of talents and sincerity had nothing to intercept their view of distant objects; nor were liable to have it distorted, or misrepresented, through a false medium. This was the case of his honourable friend near him, (Mr. Burke,) which appellation he deemed one of the greatest honours that fortune could bestow on him; a man, who, with the virtue of one of the best citizens in the most virtuous and unsullied times, united the abilities of the first rate orator; the mind and extensive knowledge of a philosopher; the learning of a real scholar; the manners of a gentleman; the humanity of a moralist; and the charity of a christian. Yet no one had suffered more. To his knowledge, he had been hurt in a peculiar manner; in such a manner, perhaps, as no person but one of his frame

of mind could withstand. His honourable friend, disregarding all local prejudices, or personal motives, was of opinion, that the people of Ireland were entitled to the rights of humanity, and consequently of commerce, which were included in those rights. He differed from his constituents, the citizens of Bristol; as he had the honesty to tell them, so he had the fortitude to act up to his avowed sentiments. Ministers were deaf; this nation was infatuated; it was blinded by prejudice and a narrow policy. What was the consequence? That justice which could not be procured even by his eloquence, was sought, and procured too, in another manner. In what way? By the point of the bayonet. The associators in Ireland obtained by their bayonets what neither the noble labours of his honourable friend, the calls of justice, the claims of humanity, public gratitude, nor sound national policy, could effect. Ireland redressed her own wrongs; she healed her own wounds; she took a kind of satisfaction for her own injuries; she was, in short, free; she will be happy; for she has sixty thousand bayonets, ready to point at the breasts of her enemies, in case any attempt should be made to snatch from her her natural rights, to turn a deaf ear to her just claims of rank and protection.

The noble lord on the same bench with him, (Viscount Maitland *,) had afforded him great satisfaction. The noble lord had well said, that at the instant he was speaking, we enjoyed nothing but what we derived from committees and associations. We were indebted to them for the Revolution, and all the consequent blessings and benefits which flowed from that transaction; for the Hanover family; the act of settlement; and in short, for every privilege we possessed as freemen, or as Englishmen. He entered pretty much at large into the subject of the promised advantages which might be expected from the appointment of a commission of accounts; and seemed to be of opinion, that nothing really useful was intended. He contended, in point of law, for the propriety of appointing committees, associations, and delegates.

He could not help entertaining the House, before he sat down, with a private anecdote. He knew it was not proper to relate private conversation; but as he meant to suppress the name of the gentleman, he hoped he should stand acquitted in the opinion of the honourable gentleman to whom he alluded, as well as to the House. He was questioned by his friend relative to the signing the present petition; he hoped it would not be prophetic of its fate; but when his friend

* The present Earl of Lauderdale.

spoke to him, he told him, "If you should sign it as a delegate, by Heaven, you will be hanged; if as a petitioner, by Heaven, you will be laughed at." He did not run the risque of being hanged, for the reason before assigned; he now only run the risque of being laughed at.

After drawing a parallel between the administration of Sir Robert Walpole and the present, and endeavouring to prove the legality and right of the delegates to petition, he observed that the learned solicitor-general (Mr. Mansfield) had been taking notes all the evening, and was apparently preparing to rise to answer him. By what he had before observed, it was plain the learned gentleman was puzzled, as he had for upwards of fourteen months been making up his mind. He hoped he had at length taken a decided part, and that he would not go away, as had been customary with him heretofore, without voting; and for this reason, if for no other, that an honourable gentleman near him (Mr. John Townshend) who, though intending to prosecute the study of the law, to which he had yet dedicated but two years of his time, informed him in a whisper, that he intended to vote for the question! He hoped, therefore, that the learned gentleman would emulate his colleague, and determine in his own mind, one way or the other, whether or not petitioning was illegal.

The question being put, "That the petition be referred to the consideration of a committee of the whole House," the House divided:

	Tellers.			*Tellers.*	
YEAS	Mr. Byng Mr. J. Townshend	135.	NOES	Lord Sheffield Mr. J. Robinson	212.

So it passed in the negative.

MR. BURKE'S MOTION FOR AN ENQUIRY INTO THE SEIZURE AND CONFISCATION OF PRIVATE PROPERTY IN THE ISLAND OF ST. EUSTATIUS.

May 14.

MR. BURKE'S motion for an enquiry into the conduct observed on the recent capture of the island of St. Eustatius, particularly with respect to the seizure and confiscation of private property, as well as to many other outrages stated to have been committed there, brought out a long and most interesting debate. The motion was "That an humble address be presented to his

majesty, that he will be graciously pleased to give directions, that there be laid before this House, copies of all proclamations, memorials, orders, and instructions, and of all official correspondence, from and to any of his majesty's ministers, relative to the disposition of the property belonging to the States General, and to individuals inhabiting or interested in the places or territories taken from the said States General, in the West Indies." The absence of the commanders who were so deeply concerned in the subject of the enquiry, was made the principal ground for opposing the motion by Administration. The motion was supported by Mr. T. Stanley, Mr. Thomas Townshend, Mr. Byng, Mr. Fox, and other members of the Opposition, who seemed to contend with the honourable mover, in representing the transactions at St. Eustatius, as the most impolitic, the most disgraceful, and the most dangerous of any that were ever recorded in the history of this country. Lord George Germain, and Mr. Dundas were, in point of argument, the principal opposers of the motion.

Mr. Fox rose, and spoke principally in answer to Lord George Germain. The conduct of the admiral and general on the capture of St. Eustatius, was, he said, so exceedingly impolitic and dangerous, that it was no wonder that his honourable friend, whose liberal mind was always active in protecting his fellow-creatures, and in exalting the character of man by the correction of those vices, that degrade while they outrage humanity, should have called the attention of the House to that subject. It was impossible for the House in that early stage of the business to know who the guilty persons were in this business. The noble lord had given a sort of oblique answer to the question that was put to him by an honourable gentleman. Government had, and had not, sent orders to the commanders to confiscate the property. They had, and they had not, justified the proceeding at that time. They shewed a virtuous shame upon the occasion, and wished, by evasive answers to a simple question, to lay the blame at the door of ministry. The present was not the moment, he said, to blame, but to enquire. The honourable gentleman, who moved the question, had declared that his view was to bring the matter properly before the House; to procure all the intelligence that he could, by which the House might be able, at some future moment, to decide on the question with that coolness and deliberation which the importance of the subject required. This the noble lord had, in his just apprehensions for the fate of ministers, chosen to call prejudging the matter, and this he had resisted. Why? Because the business was to come forward in the courts of admiralty, and it was now unreasonable to convict, in the absence of the gallant officers to whom the question referred. The futility of this argument was visible in the statement

There was no intention to prejudge, there was no design to punish, the gallant officers in this stage, or in any future stage of the business, while they remained on their station, and were incapable of their own defence. No such thing was intended; the gentlemen with whom he had the honour to act, felt as sincere a regard for the persons and character of Sir George Rodney and General Vaughan as any men upon earth could possibly do. They despised slander too much, either to envy, or to share with ministers in, the practice of it. They left to them to whisper and paragraph away the characters of absent officers, while it should be the boast and the task of gentlemen on his side of the House to protect them from their malevolence, and stand up the firm friends of injured honesty and honour. The present question was as different from this, and as different from any attempt to lower the characters of the absent officers, much less to punish them unheard, as it was possible for words or language to convey.

His honourable friend had expressed his sentiments on the subject so fully, that he thought it was impossible for the House to mistake, or for any noble lord, however interested he might be in the event, to avoid the issue. The honourable gentleman had stated, that the proceedings on the capture of St. Eustatius had been violent and unjust, ignominious to the character of Great Britain, as a free, a civilised, and a Christian nation; and contrary to the essential principles of the laws of war, as agreed on by nations, and practised by enlightened Europe. These proceedings, whether they were committed by the commanders upon the station without the orders of government, or whether they were done in obedience to orders, became a necessary subject for parliamentary discussion, and that instantly. Why? not to punish the authors, whoever they might be; not to prejudge nor convict of personal guilt in the absence of the criminal, but to pronounce on the great national question by which the national consequences might be avoided. The question of conviction might remain for a subsequent consideration; but the question of policy was immediate. Would the nations of Europe wait for the slow decision of the admiralty courts before they pronounced judgment on the case, and proceeded to retaliate, or in the benevolence of superior civilization, contented themselves with despising? No; without taking the trouble to inquire who or what was the cause, whether it was the rapacity of commanders, or the low revenge of ministers; whether it was the lust of plunder, or the littleness of malice; the profligate cruelty of an insatiate military, or the barbarous system of a headlong government; they would instantly and justly pronounce it to be a violation of all the laws of war on

the part of Great Britain, and would hasten either to punish us for the horrid renewal of those savage practices which once buried Europe in ashes; or, considering us as fallen beneath the notice of Christian nations, remain with their arms across, suffering us to be extirpated by those foes which our madness or impolicy had joined against us. This was the cause that brought forward the present question, and it was on this account, that the gentlemen with whom he acted, considered themselves as bound by the obligations of their trust to urge and enforce the necessity of an immediate resolution of Parliament, declaring their surprise and horror at such proceedings, and condemning them in the most pointed and emphatical terms. In doing this, it was not meant to interfere with the private question, nor to prejudge the actions that would certainly be brought in the courts below by individuals for the recovery of their property.

Was it a fit thing for Parliament to pronounce upon the general face of the proceedings, that they were wrong, violent, and ignominious? Certainly, if the facts, as stated by the honourable gentleman, were true, it was not only fit, but necessary, that parliament should come to an immediate reprobation; and that parliament might know the truth of the facts, his honourable friend had very properly moved, that the papers should be laid upon the table for the information of the House. If this was denied, what would be the immediate opinion of Europe? What! but that ministers approved of the outrages that were committed, and that they were done in consequence of instructions transmitted by themselves. Indeed, there hardly required this testimony to establish the truth of this fact. The noble lord had, with a good deal of that unwary openness for which he was sometimes praised in the House, and blamed out of it, undertaken the defence of the proceedings, and declared that he saw nothing to condemn in the matter. The noble lord then thought that all the violence, the depredations, the seizures, and the sales, the banishment of the people, with the previous robberies committed on their goods; with all the train of oppression on the one hand, and suffering on the other, was right and reasonable, prudent and safe. He was glad to hear the noble lord speak out; for now it was known, and would be proclaimed all over Europe, that ministers, and not our commanders, were the plunderers of St. Eustatius, and the violaters of the rights of war. The navy and the army were rescued from the ignominious aspersion; and the character of Sir George Rodney, for whom, as his colleague in the representation of Westminster, he was particularly anxious, was rescued from the obloquy which even great and good men, must have other-

wise thrown upon them. He desired that it might be known to all men from this instant, that the noble lord, one of the secretaries of state, cleared the commanders from all blame; conscious, no doubt, as he was, that they had no share in the transaction, and the whole ignominy was from henceforth to rest upon his majesty and ministers. He declared he was happy in the generous acquittal which the noble lord had given of the navy and army. The military of this country, and particularly the navy, were dear to him, and their fame ought to be held sacred to every British heart. It was from that virtuous body of men that the empire had derived all its respect and strength, and from which it must continue to receive its security and its fame. If they, by some hasty act of rapaciousness, or of avarice, should blacken the purity of their character, and stain their former deeds, Great Britain would sink to a state from which neither their future repentance nor their gallantry could be able to raise her; a state of ignominy more dreadful than disaster, since enterprise might retrieve disadvantage, but not restore reputation so destroyed. He was happy, therefore, that they were rescued from the calumny, which had been ignorantly thrown upon them, and that all the disgrace and all the infamy was now settled on the government of Great Britain. But would it rest here? Would the nations of Europe be content with punishing us by contempt alone, or would they think it necessary to go farther; and, for the protection of human nature, deem it necessary to unite in the exemplary punishment of that power, who in bold defiance of all regulation, had dared to renew that system of horror and devastation which by general consent had been exploded? This was the present question to be examined. They might not rest satisfied with contempt. Their indignation might be active, and it was the wisdom of that House to counteract the impolicy of ministers, and by an open reprobation of the measures that had been pursued, avert from their country the dreadful consequences of retaliation. Did this interfere with the question of particular guilt? Did this prejudge the matter? Did it take from the courts below the processes that would naturally come before them for the recovery of property, or for the punishment of offence? Certainly not: it was a question of general policy, necessary to national character, and perhaps to national salvation.

An honourable gentleman with whom he had usually the pleasure to act (Captain Luttrell,) had taken up the defence of the commanders, and justified them by the laws and the practice of war. He said there was no man for whose opinions, as a professional man, he had a higher respect; but on this occasion he had the misfortune to differ from him, per-

haps because he did not clearly understand his argument. If he meant to say, that the naval part of a military expedition had equal, or perhaps greater, pretensions to a share in the booty taken ashore than the other, he was ready to coincide with him. There could be no difference of opinion about the pretensions that the navy had to a share of the just plunder taken on the reduction of an enemy's fortress, garrison, or magazine; nor was it at all the question to enquire what was the exact share that they ought to have. This was a matter of distribution, in which neither the legislature nor the government had chosen much to interfere, thinking it proper to be left to the private agreement of the parties. But if the honourable officer meant that the depredations which were committed at St. Eustatius, the plunder, the rapine, the cruelties, and the outrages were either agreeable to the laws of war, the acts of parliament passed for regulating the division of prize money, or the recent practice, either of the British or any other civilised state, he must beg leave to differ from him, and declare his most hearty opinion, that the proceedings had been such as no law nor precedent could justify or approve.

The honourable gentleman adverted to the argument of the noble lord, that the capture of St. Eustatius was a new case, differing from that of Grenada, and consequently not to be bound down by the same rules which had regulated captures of late. He confessed it was in some points different from the case of Grenada. Grenada had a garrison of some importance; it had works; it had a military force, and it had martial spirit; for on the approach of the enemy, and being summoned to surrender, it bravely and strenuously contested the point, and made the enemy purchase the conquest by a profusion of blood. Was this the case of St. Eustatius? No. Without a military force or powers of self-defence, they exhibited to the enemy a naked bosom, and instead of contesting the battle, surrendered in a moment, and not even a finger was scratched in the capture of the island. So far, he confessed, the cases were dissimilar. But was this the reason that had given rise to the different treatment of the two islands? Was it because the Dutch governor of St. Eustatius had given up the island without a blow, that the inhabitants were condemned to suffer the extremes of war, and to be robbed, plundered, and banished, by the conquerors? Was this the method that we chose to take to civilize the enemies of Great Britain, to induce them to receive us in the place of their present governors? And was it against the innocent submission of peaceable traders, manufacturers, and artisans, that we were to take revenge, and not against the active resistance of men in arms that contended for liberty? The argument was ab-

surd as well as inhuman, and such as might be expected from men pressed as ministers were in the present instance to support their conduct. "Oh! but St. Eustatius was not like other islands; it was a depot for the enemy." Perhaps it was so, and, for that offence, among others, we had gone to war with the Dutch, and having gone to war, had determined to have satisfaction, like a nation of honour, and not like a nation of cut-throats, for the injury which we had received. The cause of the war, as his honourable friend justly expressed it, was not to be alledged as a ground for aggravating the horrors of it. A gentleman, after receiving an injury, and challenging the author of it to fight him in the field, does not stab him in the dark. The extremes of war are abolished among nations, as the poignard and stiletto are among gentlemen; and, whatever the offence may be, the battle is fair. Mr. Fox, by a variety of powerful arguments, urged the necessity of agreeing to the motion proposed, as a ground-work for their future proceeding in the business, to wipe away the disgrace, and prevent the danger that was likely to follow from such conduct.

The question being put, the House divided:

	Tellers.			*Tellers.*	
YEAS	Mr. Burke, Mr. Byng	86.	NOES	Sir Grey Cooper, Mr. Ord	160.

So it passed in the negative.

MR. HARTLEY'S MOTION FOR A BILL TO RESTORE PEACE WITH AMERICA.

May 30.

MR. HARTLEY moved, "that leave be given to bring in a bill to invest the crown with sufficient powers to treat, consult, and finally to agree, upon the means of restoring peace with the provinces of North America." Lord North objected to the motion, as nugatory and useless; ministers being already in possession of all the necessary powers for treating and concluding a peace with America; and the present commanders being invested with full powers to treat, consult, and agree, on the means of conciliation. There were, indeed, certain reserved points which must come afterwards to be settled and concluded by parliament, but these could not impede nor prevent a conciliation, if there was temper for such an event in the people of that country.

Mr. Fox said he would not go at large into the question. He only rose to speak to one or two points. In the first place, the noble lord had been pleased to say, that the crown had sufficient power to make peace with America. This he must deny, and on the contrary assert, that the crown had not power invested in it to settle any one matter in dispute between Great Britain and America. Not a single thing in controversy between them could be adjusted by the crown. The noble lord had, indeed, let it drop from him, that there might, to be sure, be reserved points for the consideration of parliament. But what were those reserved points? They were, in fact, every point that was to be settled. The motion was therefore necessary, if peace with America was really and sincerely intended; and that the crown had not power, without the authority of parliament, was too clear to be contradicted. If the crown had that power it was pretended it had, it surely was a question well worth considering, why the minister had come to parliament for an act, giving power to Lord Carlisle and the rest of the commissioners to go to America, for the purpose of making peace. If the crown had power, why were the commissioners not sent out, without coming at all to parliament? Was it merely for the pleasure of obtaining an act of parliament to do nothing at all? Was it because the thing itself was one of those splendid and brilliant acts that was to cast so bright a lustre upon the annals of this country? Or did the consequences that resulted from it, upon the commissioners' arrival in America, point out the necessity there was to come to parliament for the appointment of so illustrious and important an embassy?

The honourable gentleman begged leave to contradict the noble lord. The crown had not the power of making peace with America, as with France, and Spain, and Holland. What, were we then at war with America? Is America then recognised as an independent state? No; you are at war, not with America, but with your revolted colonies in America. It is not a war with an independent enemy in which you are engaged, but an attempt to quash a rebellion, to subdue an insurrection. By an act of parliament, no Massachuset trader dare come into any of your harbours. Can peace be restored without repealing that act? and can that act be repealed without the authority of parliament? The present hostilities commenced in consequence of the prohibitory-act, as it was called, passed in the year 1765. It was that act that made the war with America. We were therefore very differently situated with America than we were with France and Spain. The crown had never made war with her, but the war was brought on by an act of parliament, which act of parliament

must necessarily be repealed. The present motion was therefore a necessary preliminary to the opening a door for a reconciliation. I maintain, continued Mr. Fox, that there is not one point in dispute between Great Britain and America that can be settled by the crown, without the consent of parliament; not one point; so that the noble lord's reserved points comprehend all the points in question. The rebels in America were declared so by an act of parliament; and through the whole course of the contest this position had been held, that against the authority of the British legislature they were contending; surely, then, it was not competent in the crown to decide on the privileges of parliament.

When the noble lord contends that the King's servants have already as much power as is requisite for treating with America, I can assent to the declaration, said Mr. Fox, in one sense. I can assent, that the crown has as much power as the servants of the crown have will to treat and conclude peace with America; but that they have power is false. Did they not come to parliament for power when they sent out the commissioners? And is not that authority which was granted for a limited time expired, so that matters are exactly now as formerly? But the noble lord chuses, on the present subject, to speak indefinitely. It is often inconvenient for the noble lord to speak directly to matters of fact, or to answer such questions; and therefore he commonly amuses the House with general propositions; for there is not in the House, nor in the kingdom, a greater master of language than the present chancellor of the exchequer, nor one who can make a better discourse upon any subject. If it were possible, said the honourable gentleman, for his majesty's ministers to enter into a negociation with America, without knowing the mind of parliament, it would be a mean and insidious artifice, and would induce the Americans to reject all terms, since they must know, that whatever terms ministers might offer, could not be binding without the sanction of the British legislature.

With regard to the opinion the ministry entertained of the present situation of affairs in America, whatever they might think some few years ago, sure he was, they did not in their own minds believe there was the least prospect of their now mending in our favour. The noble lord in the blue ribbon, who talked so very fluently, and affected so much candour, would be put in a very aukward situation were he to be asked the question; for in answering it, he would be obliged to contradict facts which he had again and again asserted. As to the noble lord, he was a man of experience; he was a man, too, naturally inclined to moderation and mildness,

Whence, then, was he induced to be so strenuous a supporter of the American war? Whence was his inclination to that war deducible? He might put an answer in the noble lord's mouth from an Italian poet, "My will to execute this deed is derived from him who has both the will and the power to execute it: 'ask no farther questions." The noble lord, who sat near the first lord of the treasury, was, he observed, less accustomed to amuse his audience with general speeches, and therefore came more directly to facts. That noble lord (George Germain) had said, that the Americans, having once rejected the proffered terms of peace, had no right to any other. Unconditional submission was therefore what he, and others equally sanguine, contended for. Their conduct and their sentiments were at least entitled to the praise of consistency; but the conduct of the noble lord in the blue ribbon was at variance with his sentiments. He would not say we were not likely to succeed in our enterprize against America, though the noble lord knew in his own heart that all our hopes were at an end. Yet we had of late met with many victories; we had London Gazettes Extraordinary; we had firing of guns, and we had illuminations all over the town. The honourable gentleman was exceedingly poignant in his animadversions on these kind of victories and rejoicings, and reminded the House of the great triumph ministry made when Charles-town was captured, though he had staked his reputation that such a conquest would never affect the American cause.

He then gave a narrative of the proceedings of ministry towards America since the year 1775. Certain conciliatory propositions were then made to them, and the noble lord, according to a French saying, paid with his person on that occasion; for he repeatedly had pledged his word, as a gentleman, that he would never agree to any proposal that might be made hereafter for granting the Americans better terms, and no doubt the personal declarations of a person of the noble lord's birth, rank, abilities, and fortune, were objects of great regard; they were made on the occasion alluded to, lest the Americans should imagine, that by persevering in resistance, they might obtain better conditions. But after all these declarations, his lordship had, in the year 1778, brought a bill into parliament, for enabling commissioners to propose the most extravagant terms to the Americans; terms by which they would have had the power of taxing England, while their own country would not have been taxed by the English parliament.

He placed the noble lord in all the situations in which he had stood within the last seven years in that House; and

said, that his versatility arose from motives highly unbecoming. The ministers found it necessary to protract the war, to avoid every tendency to pacification, because they knew that the American war was necessary to their continuance in power and place. They sacrificed honour and duty; they sacrificed the interests, and perhaps the existence, of their country to the temporary gratification of their avarice and their ambition, in the enjoyment of the places and honours which they now held, and which were so connected and interwoven with the American war, as to depend upon its existence. The minister then knowing this fact, knowing that he lived, and must die, with the American war, had encountered shame and embraced it, in order to its continuance. He had been forced into all those vile measures of contradiction and absurdity which had brought infamy on the present age, and would bring ruin on posterity. There was no accounting for the credulity, the servility, and the meanness of parliament, in either believing or submitting to receive all the monstrous and incredible stories which they had been told by the minister, in any other way than by referring to the means which influence possessed; the emoluments of contracts and the profits of a loan. It had, no doubt, been the study of the minister to tell his friends, that their payment, like his own bread, depended on the American war. The American war begot extraordinaries; extraordinaries begot loans; loans begot douceurs; and douceurs begot members of parliament; and members of parliament again begot all these things. There was a mutual dependence among them absolutely inseparable. Thus the power and the security of ministers were generated by that war which was the ruin of the country.

If any one should ask the minister out of the House concerning the majorities he found, and he should be inclined to answer the question fairly and directly, he would immediately say, "*Do not I* give them an extravagant loan to divide amongst them?" With the King the minister was continually feeding the royal ear with a notion, that the instant he made peace with America, his power would decrease. His majesty was taught, and he was afraid too successfully taught, that power was preferable to popularity; that the former was a solid, a substantial, and permanent good, worthy the embrace of a monarch; while the latter was nothing more than an empty high sounding name, full of nothing, and the mere glittering of the day. These were the notions the present set of ministers were repeatedly infusing into the royal mind, impressing him with an opinion, that whenever the American war ended, his power would end also, when in fact it was their power only that would end. The power of

the sovereign would know no period with the American war. It was grounded in the constitution, and would live and fall with it.

With the members of parliament the noble lord held a language that was as easily to be guessed at. Here Mr. Fox personated the minister conversing with some dependent member of parliament, at his levee, on the subject of continuing the war; supposing that any remonstrances should be made on that score, what would the noble lord say? "Why, you know that this war is a matter of necessity, and not of choice: you see the difficulties to which I am driven, and to which I have reduced my country; and you know also, that in my own private character I am a lover of peace. For what reason then do I persist, in spite of conviction? For your benefit alone! For you I have violated the most sacred engagements! for you rejected the suggestions of conscience and reason! for you a thousand times forfeited my honour and veracity in this business, and for you I must still persist! Without the American war I shall have no places, no emoluments to bestow, not a single loan to negociate, nor shall I even be able to retain this poor situation of mine that I have thus long held most disinterestedly. You see me now in the most elevated situation, with the disposal of places, and pensions, and with the whole power of the nation in my hands; but make peace with America to-day, and to-morrow I shall be reduced to the level of private life, retaining nothing but what is merely personal of all my present advantages. If you do not vote with me," continues the noble lord, "against a peace with America, how am I to give you any thing? It is true, that my situation as minister is a respectable and elevated situation, but it is the American war that enables me to give you douceurs, and to put into your pockets eight or nine hundred thousand pounds by a loan. Put an end to that, and you undo all. My power will be miserably lessened, and your pay as miserably reduced. As to myself, why, I am perfectly indifferently about that; I get a little, and it is my happiness that a little, thank Heaven, contents me. I therefore cannot be supposed to care if a peace takes place with America to-morrow, as far as I am personally concerned; but for your own sakes do not let such a thing come to pass. Nay, were I to go out of office, a situation I never courted, always disliked, and heartily wished to be rid of, still I hope the American war would be continued." Such pathetic reasoning could not fail having its effect. Thus it was the noble lord induced members of that House to sacrifice the interests of their constituents, by proving that their own interests were essentially connected with the prosecution of the war. Was it possible, there-

fore, that peace with America could ever be obtained but by a renunciation of that system which the present ministry had, with so much obstinacy, adhered to? And here was another obstacle arising from the noble lord's feelings. "O spare my beautiful system! he would cry; what! shall I part with that! with that which has been the glory of the present reign, which has extended the dominions, raised the reputation, and replenished the finances of my country! No, for God's sake, let this be adhered to, and do with all the rest what you please; deprive me, if you please, of this poor situation; take all my power, all my honour and consequence, but spare my beautiful system, O, spare my system!"

Mr. Fox said, he could not suppose any one amongst them, at that time of day, of so miserable an imbecility of nature as to think that any thing could be done effectually against America. Yet the House appeared as much as ever inclined to prosecute the war, and upon the same ground as formerly. They, as well as the noble lord, were yet averse to peace. The noble lord had staked his veracity as to the prosecution of it. Did any man dispute his intention of carrying it on? If any man could be so weak, what would the noble lord himself say? Why, recollect I have appointed Lord Dunmore Governor of Virginia. Good God! then, can you suppose I have a serious idea of peace, when I send out to that province a man as obnoxious as ever came from America.

The American war, he said, was continued upon the opinion of men whose interest it promoted. Mr. Galloway had told the House at their bar, that five-sixths of the people of America were in the interest of Great Britain, others had said nine-tenths; yet what had we been able to do, although those nine-tenths of the people had an army to assist them. If Mr. Galloway had told him this, he would have asked him what he did here? and why he was not with the friends of government in America? Ministers were so egregiously simple, perhaps, as to credit his report; but would any other man in his senses be of the same opinion? What, five-sixths of the people amicable, and yet not a blow struck in our behalf, not one visible symptom of loyalty throughout the continent? It was thus that the government of this country was abused by a set of men who lived on its credulity. A list of American refugees, receiving pensions, had been lately called for, and refused; it was politic in ministers to keep the list concealed, and not to inform the public what men they were supporting; at the same time, however, he must confess, that there was a description of American sufferers to whom the bounty of parliament was well applied; he meant those who really had been martyrs to their principle, and had been

driven from the continent by an unfortunate attachment to the British government. Any charitable donation to characters of this kind he should be the last to condemn; for however much he might differ from them in political opinion, he felt them entitled to a large share of compassion and some honour; like those who, from similar misguided attachments, have been compelled to drag out their lives at St. Germain's or Rome. But too many of those who were now pensioners on British generosity, as sufferers in the colonies, were men who had once been most vehement in the American cause, and only left it when from some mistaken speculations they thought it on the decline; renegadoes of this class were now the chief favourites of administration, and were employed to write libels on characters the most unimpeachable of any in the kingdom. One of them had the singular audacity to villify a near and dear connection of his, his own brother, a lieutenant-colonel in America, representing him as a traitor to his country, and directly charging him with using his rank in the army for the purpose of carrying on a correspondence with the enemy. Thus persons brought up in their country's service, and labouring unremittingly for the public good, were exposed to the venom of wretches paid by ministry for the calumny they circulated. It was in return for the part he had acted in parliament, and his firm opposition to the American war, that the person alluded to was marked out, by the hireling pen of a refugee, as a proper object of detraction. He reprobated in most severe terms the authors of those calumnies, but said they were not so despicable as the men who employed or who believed them.

If any one had gone to the Pretender after his retreat from this country, and had told him that nine-tenths or even five-sixths of the people of England were for him, with a powerful army on the spot, ready to co-operate with them, and the King of France had been applied to for assistance, the honourable gentleman could not suppose that Louis XIV. would have been so egregiously stupid as to have given any, but that he would have replied, "If there are nine-tenths or even five-sixths of the people on the Pretender's side, and a numerous army to stand by them, there surely can be no occasion for me to send an army into England to put the Pretender on the throne." This was the mode of reasoning that Louis would have used, and this was the mode of reasoning that a majority of the House of Commons ought to have used upon considering Mr. Galloway's evidence.

After all, what had been the case? Had the British army yet effected any thing? If ministry should be asked what sort of an army General Washington had, they would reply

that his army were without clothing, that they had exhausted their provisions, had neither powder nor ammunition, and were nearly reduced to nothing. But if they were asked what sort of troops Sir Henry Clinton had, the answer was uniformly the same. Oh! they were fine men every one of them; the very flower of the army; well fed and well clothed; furnished with magazines and all sorts of ammunition; in high spirits, flushed with the successes they had met with, and panting with a thirst of future glory. If they were to be asked too, what sort of generals the British army had, the answer would be, that they were the best in the world, deeply experienced, and enterprizing in their nature. And were the Americans so? Oh! no, their commanders were another sort of men, no military knowledge, no reputation, no skill to be found in any one of them! This was what the ministry would say; and yet, with all these facts, what had we done? Though the British army had been every thing that pride and valour could wish them, and though the American troops were every thing that could excite pity in an enemy, yet this very wretched army had not been subdued, but had withstood, and bid defiance to this fine, formidable, and spirited British army, which had also nine-tenths of the people of America with them; so that it was really, at least, a matter of curiosity to know how it came about that the whole of the British troops, with nine-tenths of the people at their command, were awed and overpowered by only one-tenth of the people of America, and only a wretched and dispirited army to support them. With such experience, then, before them, what could be the reason why the British parliament still persisted in this war, and were so credulous as to be duped by such wretches as Galloway? It might with justice be done with respect to this, as was often done in books, where, instead of giving a long explanation, there was a marginal note on particular passages, in which the reader was desired to "*Vide* such a book." So it might here be said, as a full and comprehensive explanation of all the servility and all the submission of parliament, "*Vide* the loan." Why have the House followed the minister through all his contradictions, and why do they still support him in this war? "*Vide* the loan." Why do they stifle inquiry, prevent detection, and destroy the benefits of responsibility? "*Vide* the loan." It was a full answer to every thing that could be alleged against the parliament in point of their servility and acquiescence.

There were men surrounding the throne, who taught very pernicious doctrines; and anxious to insinuate that the power and prosperity of the crown were distinct and opposite to

those of the subject. Such men alleged, and it was indeed a truth, that in war the power of the crown was greater than in time of peace. But the power of the crown, if not so great, was more glorious when it rested in times of peace and prosperity in the constitution and on the affections of the people. It was the virtues of the sovereign, which, by conciliating the esteem and grateful affection of his subjects was the firmest foundation of his power. What cause had we now to hope that our arms would prove more successful in America hereafter that they had done formerly? Did ministers derive courage from the reports from Holland, of a second action between Lord Cornwallis and General Green, in which the former had been victorious? We had had abundance of victories last year; we had been covered with laurels. The thanks of the House had been voted to different generals and admirals, to Lord Cornwallis, to Sir Henry Clinton, to Admiral Arbuthnot, to Rodney, and God knows whom! But what did all our victories avail?

After all, he did not think it would be doing any good to carry the question before the House. It would, at best, be only adding more responsibility to the crown, and giving power where there was no will. The noble lord in the blue ribbon could not, in fact, make peace with America. He dared not do any thing of the kind. He had been a gentleman born, he had been bred a man of honour, and had lived in those habits of life that precluded him from shewing himself after he had violated his word. What was the situation in which the noble lord stood? In the year 1775, when the noble lord came to the House for the conciliatory bill, he explicitly and repeatedly declared, that farther than that he never would go. Yet this very same lord, this first lord of the treasury, this ostensible minister, had himself come down to the House in the year 1778, and moved for the bill which sent out Lord Carlisle and the other commissioners to America, to make an offer to her of taxing herself. This the noble lord had done; the very same minister that had, upon passing the conciliatory bill, affirmed, in order to get it passed, that he would never go beyond it. "Some gentlemen," said he, "may object to this conciliatory bill, under a notion that I may come afterwards and move for something more; but in order to remove their scruples upon that head, I am a gentleman born, a man of honour, a great minister, in whom parliament may confide; and I here pledge myself that I will not, upon the sacredness of my word, ever go farther than this conciliatory bill." This lord, however, did himself, in the year 1778, go farther, and appoint a commission to give up the dependency of America. As to a peace with that country, Mr.

Fox did not think it at all probable this year, or the next, or this time seven years, or even fifty years hence, if the present system continued. The noble lord did not dare to make peace; he had pledged himself to the House to bring the Americans upon their knees, and he had not candour enough to confess himself in a mistake.

Mr. Fox very finely pictured the different and contradictory situations in which the ministry had stood. In the outset of the American war, what was their argument? Shall we give up the trade of America? No, they could never think of that, the trade was too valuable to be lost; but when it was lost, their tone was changed, and then it was only taxation that we were fighting for." Soon, however, trade and taxes were given up, and then the whole contest was about the dependency of America, which we were told was on no account to be yielded. Yet, after all this, the independency of America must be granted. The honourable gentleman lamented that the war was to be prosecuted, that poor men were to be plundered of the earnings of their industry, and the rich abridged in the enjoyments of life. He looked upon every tax imposed in consequence of the war, as nothing less than a robbery of the public. Lord Dunmore at first was said to have talked of nothing but submission; by and by he altered his tone, and said that the continent of America would never be recovered without the affections of the people; but that these would soon return, for the child would be glad to return to the parent. But his return to his government looked as if there were an intention not to conquer the Americans, for that seemed impossible, (the whole almost of that people entertaining the most rooted aversion to the British government,) but to exterminate them: for, while there was a guinea in Britain, or a man to go for a soldier, there seemed to be a resolution to carry on the war, even until Britons and Americans should mutually fall by each other's swords. If the war, after all, was to be pursued, it would be a great satisfaction if either he, she, or they, (as his honourable friend, Mr. Dunning, had on a former occasion called the advisers of the war,) who recommended it, were to be sent to explain his, her, or their motives; for however admirable the noble lord in the blue ribbon might be in explaining things, it was as awkward with him as it was with other people, to explain a conduct that was not their own, but which they were obliged to adopt and pursue.

He concluded a long and animated speech, with saying, that the American war would never end while the present system continued; but that the moment that system should be changed, the good of both countries would be consulted.

He pronounced the American war to be as unjust in its principle and as absurd in its prosecution, as it would be ruinous in its consequences, and he therefore should vote for the question under consideration.

After further debate, in which the motion was supported by Sir Philip Jennings Clerke, Sir George Savile, Mr. Thomas Townshend, and Mr. Burke, and opposed by Lord George Germain, Sir Henry Hoghton, and Mr. Welbore Ellis, the House divided:

	Tellers.			*Tellers.*	
YEAS	Mr. Hartley, Sir P. J. Clerke	72.	NOES	Sir H. Hoghton, Mr. Jolliffe	106.

So it passed in the negative.

PUBLIC ACCOUNTANTS' BILL.

June 11.

ON the order of the day for going into a committee upon the bill "to direct the payment into the exchequer of the respective balances remaining in the hands of the several persons therein named, for the use and benefit of the public; and for indemnifying the said respective persons and their representatives in respect of such payments, and against all future claims relating thereto," Mr. Thomas Townshend opposed the Speaker's leaving the chair. It might be imagined, he said, that being a public accountant himself, he was interested in the rejection of the bill. He assured the House he was not, and that for this reason; his balance amounted to the small sum of twelve or thirteen thousand pounds; and this sum he had deposited in the bank of England ong since, there to remain till he could get his accounts passed. He had never made the least advantage of the balance that remained in his hands, either by having it at interest or otherways, nor would he ever do so. He entered into the merits of the bill, and reprobated it as a violent measure of a negligent, indolent minister.

Mr. Fox said, his right honourable friend had gone so fully into the subject, and had touched upon so many of the points he meant to have spoken to, and which he should have argued in the same manner, that it would be needless for him to go so much at large into the considerations of the bill as he had intended. Some things, however, concerning himself immediately, he must take that occasion of speaking to; but first, he could not help telling his right honourable friend,

that he appeared to him to have spoken rather thoughtlessly, when he had informed the House, that he was by no means personally concerned or interested in the present bill, because undoubtedly his right honourable friend, being like himself a public accountant, held his estate, his fortune, every shilling of property he had in the world, at the mercy of government; a predicament, in which, he conceived, no man could stand, and feel himself either unconcerned or contented. As one of the executors of the late Lord Holland, he was in some degree a public accountant; he felt therefore for himself, and he felt for his nephew, the present Lord Holland, and for others of his family, who, while the accounts of his father remained unpassed, could make no transfer of property of any kind; and whether they should ever be enabled so to do, must, if the bill passed, depend altogether on the kindness of government. Perhaps he had no more estates himself to sell, but he felt for those who had bought those estates of him, which he had enjoyed under his father's will; because the title to those estates was and must be a precarious one till the accounts to which he had alluded had passed, and he and the other executors and representatives of his father had obtained a quietus. He put the case of any person offering to sell an estate on the part of his nephew. Who would buy it? The person to whom it should be offered would naturally say, "Why, Lord Holland was a public accountant, and his accounts are not yet passed?" "No matter, (the reply would be,) Lord Holland's balance is but 400,000*l.* and that is ready to be paid in whenever his accounts are passed, which it is expected will soon happen." Would it not be likely, that the person to whom the purchase should be proposed, would answer to this; "You talk of a balance of 400,000*l.*; Lord Holland had forty millions to account for, and how do I know, when the account comes to be settled and passed, but that the balance may turn out to be four millions, and that this estate, if I purchased it, may be seized by an extent?" In this way, said he, will men reason till the accounts are passed; in what light, then, ought the present bill to be regarded, but as an act of the greatest cruelty, of the greatest violence, of the greatest oppression? As the act of an indolent minister, who sleeps over the public concern; who is profuse and extravagant beyond all bounds in his corruption one day, rapacious and hungry after money the next; who cares not how much he wastes, provided he can by any means, no matter how unjustly, how unwarrantably, seize upon more to use to the same wicked and detestable purpose?

He said he had not, and he took shame to himself for it, attended the House on the first day the bill was debated, but he had understood it enacted, that an indemnification should be given to those who paid in their balances. Under this information he had been tolerably content, and should have felt no sort of uneasiness at suffering every shilling of the 400,000*l.* due from the representatives of his father to be paid in, had an indemnification in the real sense of the word been given; but to his utter astonishment, when he came to read the bill, he found that, for the first time, the word indemnification did not mean that the persons to whom it was delivered, should be indemnified by it, but barely meant, a common receipt for so much on account. He said the executors of his father had met some time since, and it had been proposed to pay in 200,000*l.* to the Exchequer, in part of the whole; that he, at the time, was adverse to the proposition, arguing, that the larger the balance the greater the probability of the accounts being soon settled by the auditors of the imprest, in order that the first lord of the treasury might have the money at his disposal. His opinion was not acceded to by the other persons present, and from a diffidence of his own opinion, when a majority thought differently from him, he gave way; the proposition was in consequence put in practice, and the 200,000*l.* paid in. He had since been more and more convinced he was in the right, and if it was to do over again, knowing as he did, that when the exchequer had received every shilling they could claim, the noble lord in the blue ribbon would be in no hurry to urge the auditors of the imprest to pass the accounts, he would resolutely and firmly persist in opposing the paying in of a single shilling, till the accounts were ready to be passed, and a quietus was to be obtained.

The having a large sum of the public money in hand was, he observed, at all times a matter that gave rise to much envy, and consequently drew upon the parties holding that money no inconsiderable share of obloquy. Something however was due to the public accountant, as well as to the public, and if the latter was intitled to expect its own at the hands of the former, the former indisputably had a claim to a full security and an ample acknowledgment and an indemnification, when the balance in hand was discharged. The present bill violated this equitable disposition; it claimed the balance, while it denied the security to the balance holder. Nor was it consistent with the noble lord's own opinion, as declared upon oath before the commissioners. He had in his hand the fourth report of the commissioners, in page 23 of

which was stated the noble lord's examination; the concluding words of it were these: "He has no objection to pay in the whole balance into the exchequer, either upon receiving a quietus, or a security equivalent to a quietus, that may equally secure himself and his family from any farther claims from the public upon him, as late paymaster of the forces." In this part of the examination, the noble lord had himself held out the same argument justified by his right honourable friend. The noble lord wanted an indemnification, in the true sense of the word, and did not talk of a bare tally of the exchequer, which was, in fact, no more than a common receipt. Let the argument, then, rest on that examination, and let the noble lord be himself the umpire of the objections stated by his right honourable friend and himself!

The honourable gentleman took occasion to notice the great share of obloquy which had been cast on a near and dear relation of his, who was a public accountant for many millions, and was now no more. He said, those who were least acquainted with public accounts, the manner of stating them, the progress of them through office, and the mode of their being finally passed, were always most eager to find fault, even where there was no cause. It was so in the case of the person to whom he alluded; that person had been called the "defaulter of unaccounted millions," when it was well known, by those conversant in public business, that the cry was ill-founded and unjust, the person in question not having been any more a defaulter than the honourable gentleman who now held the same office. The person of whom he was speaking, had never deserved the obloquy that had been cast on him; but the circumstance which gave rise to it, he had ever considered, and his friends had considered, as the greatest misfortune of his life; namely, the having been at all connected with administration in the beginning of the present reign. Such, he said, was the intricacy and impenetrable mystery of government in this unfortunate reign; such the dark, imperfect, and concealed system ministers pursued, that it was impossible for by-standers to develope the cloud in which every thing was wrapped; impossible for the public to know the real from the ostensible minister, or to discover who had power and who had not. So circumstanced, they could not tell the minister of power from his instruments, and when public measures were proved by their issue to be weak, absurd, and unjust, it frequently happened, that the odium fell upon the innocent, while the guilty escaped, and those got off without censure who planned the ill-concerted schemes, while others who had no share in the guilt sustained all the disgrace and all the detestation that followed. So it was with the person

to whom he had alluded. That person was in no degree the author of the mischiefs which mistaken men had ignorantly imputed to him. He had not the power to prevent what he as much disliked as any one of his traducers. It was a fact well known to his family, well known to all who came near him; that he most heartily deplored his not having that power at the time, and that he never forgave himself for mingling with those who had, and did not use it for the good and for the honour of their country.

With regard to the passing of his accounts, it happened luckily for him, that it did not rest on his assertion to make out a proof that the fault lay not with the person in question, nor with his family. Fortunately, there was much better evidence of the fact. It was no other than the great difficulty and the extreme length of time it cost the late Earl of Chatham to get his accounts passed, and to obtain his quietus. That noble earl, it was well known, and for which he neither blamed him nor was ready to say he greatly admired him, did not make a shilling advantage of all the public money that lay in his hands; the whole was placed either in the bank of England or at a private banker's. And yet notwithstanding this circumstance, notwithstanding the great influence which the noble earl had, at times, in the country; notwithstanding his anxiety, stated by his right honourable friend, and the endeavours he made to get his accounts settled by the auditors of the imprest, it was a known fact that the noble earl quitted his office of paymaster general in 1755, or thereabouts, and did not obtain his quietus till 1769. Lord Holland, he was willing to confess, and indeed it was useless to deny it, had made advantage of the public money while it remained in his hands. And here he was ready to throw down the gauntlet, and to argue it against whoever maintained a contrary opinion, that if a public accountant held himself able at all times, without possibility of check or prevention, to produce the whole of the public money in his hands, whenever he was called upon so to do, it was in that case a matter of perfect indifference to the public whether he used it for his own advantage or not. Lord Holland, however, was always ready, nay more, he was always desirous, to account. His representatives had been the same, as the noble lord well knew; and he called upon him to declare, if they had not, by every possible means, urged and intreated the offices to pass their accounts; but if the Earl of Chatham, under the circumstances described, was not able to get his accounts passed in a shorter space of time than thirteen years, surely no man would contend that Lord Holland's executors could get their accounts passed in less, especially as they amounted to twice the sum.

The whole evil, he insisted on it, lay with the Board of Treasury and the noble lord in the blue ribbon, whom he charged with the grossest indolence and negligence; and who, he said, wanted to shift the blame due to himself upon the shoulders of the public accountants. With regard to the commission of accounts, it was so palpably meant to divert the attention of the public from the noble lord's mal-administration, and to call it off from modern measures, by turning it upon the measures of old times, that he declared, he wondered the idea of throwing out a tub to the whale had never before suggested itself to the mind of man, so completely did that idea meet the whole manœuvre of the commission of accounts, filled by general officers, masters in chancery, merchants, and men of all others the least proper to correct the evils in question. He observed, also, that the commissioners had not only been nominated by the noble lord in the blue ribbon, but their first enquiries had obviously been pointed out against discarded ministers and their discarded adherents. It was evident, therefore, that the noble lord's wish was, to take advantage of the first cry of expence, and to turn it to his own benefit, by making it the instrument of harrassing those who had uniformly opposed the measures of his government.

The Treasury, he repeated it, ought to have examined into the cause of the delay in passing the public accounts, and, if they found it lay with the auditors of the imprest, the Treasury ought to have immediately put it out of the power of those auditors to have remained any longer the cause of such delay. The noble lord, he remarked, in the course of his right honourable friend's speaking, had, as if he felt himself provoked, called out in a most disorderly way, "that he had enquired again and again!" What did this prove?—still greater negligence in the noble lord. It proved that the mischief was so glaring, that it had roused the noble lord from his accustomed fit of indolence, but that though he went the length of an enquiry, he stopped short in the middle of the business; and even after he had ascertained the evil, neglected to apply the remedy. Why did not the noble lord bring in a bill to put an end to the cause of the complaint? With his weight in that House he would have found no difficulty in passing such a bill. It was his duty to have done so, and not to have delegated the powers of parliament to an unheard-of set of commissioners of accounts to do his duty for him.

Another objection he had to the bill was, he declared it to be a bill of influence. He thought the power of appointing a paymaster of the army and a treasurer of the navy a suffi-

cient degree of ministerial patronage. It was now evident that ministerial influence wished to go much farther; it extended even to persons out of place and in avowed opposition; for what paymaster out of office could be said to be independent of ministry till his accounts were passed? His right honourable friend, who began the debate, notwithstanding he was every way independent in principle and spirit, was indisputably dependent on ministers at that moment, and so he must remain till he could obtain his quietus; which rested altogether, or would rest altogether, after the bill passed, on the will of the noble lord in the blue ribbon, who had at once the power of quickening the passing the accounts of other accountants, just as he chose to exercise it either way. He put this argument into several shapes, and said, had his right honourable friend, the present paymaster, continued last year to entertain sentiments similar to those which he and his friends avowed, and which the right honourable gentleman seemed more than once inclined to adopt, he verily believed ministers would have attempted to have given him as much uneasiness as possible. He knew his right honourable friend was superior to their impotent malice; and indeed his favourable conduct since, with respect to ministers, had rendered it unnecessary. He said, that when he was himself examined before the commissioners, he thought it his duty to state, "that there was a litigation depending between the executors of Lord Holland and Mr. Robert Paris Taylor, who was one of his deputies, the determination of which might affect the balance due from the late Lord Holland, as paymaster of the forces; as much of that balance as might be affected by that litigation, he objected to the payment of into the Exchequer; as to the residue, he had no objection, upon obtaining a quietus, or an indemnification equivalent thereto." By this declaration he was ready to abide, but to be obliged to give up the balance on any other condition, he should consider, as being forced by the strong hand of power to submit to an act at once oppressive, violent, cruel, and unjust. He contended also that the object was not worth the violence of the measure, for that in fact the noble lord was grasping at the mere interest of two hundred thousand pounds for a few months only, since, if Lord Holland's accounts were passed by Christmas, the whole of the balance would be paid at that time. Mr. Fox offered on the part of Lord Holland's representatives, that the whole balance should be paid into the bank, there to abide the passing of the accounts, and contended, that the public had no right to handle it until his father's representatives had obtained their quietus.

After some conversation, the House went into the committee.

Mr. Fox's Motion for a Committee to take into Consideration the State of the American War.

June 12.

An account of the battle of Guildford, in North Carolina, having appeared in the London Gazette, together with those subsequent events, by which it appeared that the victorious army had notwithstanding suffered the consequences of defeat, in being obliged to abandon the country, with all the objects of their entering it, and to retire to the sea-side, Mr. Fox thought this intelligence, so authenticated, afforded a proper foundation for bringing the business again forward. Accordingly, this day,

Mr. Fox called the attention of the House to the American war. He began by observing, that this subject had undergone a recent discussion upon a motion made by his honourable friend, Colonel Hartley, in consideration of which he should not now have troubled the House with a proposition built on the same basis, but that since the late occasion an argument had presented itself more unanswerable in its nature, and more efficacious, as he had reason to hope, with gentlemen on the other side, than any thing that he or his honourable friend could advance: their assertions might be questioned, but those of Lord Cornwallis, he trusted, would have all the weight which the abilities, experience, and high professional reputation of that general might fairly challenge. He had a paper in his hand, the late gazette, from which, on the authority of Lord Cornwallis, the impracticability of conquering America was plainly deducible, and on that alone he meant to rest his argument that day, as the best means of avoiding those stale repetitions so often complained of, when the present subject came before parliament; the subject might be old, but the field of reasoning would now have an air of novelty. He should therefore confine himself entirely to the gazette; it was an authority to which gentlemen on the other side of the House would not object, and he begged the patience of the House would bear him company in giving it an attentive examination. This paper certainly confirmed every thing that had been advanced by his honourable friend and himself on the former occasion; but if it could be permitted him to be jocular on such a subject, he might beg the House to believe there was no collusion in the case, the gazette neither having been framed by his authority, nor he having had any previous knowledge of its contents.

He remembered well the principal argument urged from the opposite benches, and on which the debate chiefly hinged,

was a signal victory, which, said those gentlemen who opposed the motion of his honourable friend, will call the rebels to the British standard. The victory had since come confirmed; the British standard had been erected; but what then were the predicted fruits of what he was tempted to call this pretended victory? Nothing but disappointment; nothing but misfortune; he would not say public disgrace. The truth was, the victory of Guildford, as it was called, drew after it all the consequences of something very nearly allied to a decisive defeat. Lord Cornwallis did not fly from the enemy; but indisputable facts bore him out in affirming, that if Lord Cornwallis had been vanquished, instead of being the temporary victor, his operations, or rather movements, could not have borne a more unfortunate aspect. He no longer pursued the object of his expedition; he no longer sought the enemy, even in their flight. Nay more, he in an instant relinquished all the advantages he had gained with so much difficulty; which had been attended with circumstances which reflected so much honour upon himself as a commander, and upon the very gallant, but ill-fated, body of men whom he led to glory, and to every thing but substantial success.

From the report of Earl Cornwallis, there was the most conclusive evidence, that the war in which we were engaged was at once impracticable in its object and ruinous in its progress. It furnished us with the materials and grounds both of triumph and dejection, both of glory and despair. It shewed us, that beneath the conduct of that brave man, a body of British troops had acted up to all the expectations that could be formed of their enterprize and their valour; and at the same time taught us, that neither spirit nor perseverance, neither good conduct in the commander nor courage in the soldiery, could prevail in a contest founded in evident madness and inconsistency.

He wished, he said, to examine the information which we had received from Earl Cornwallis pretty closely. The noble lord said, "that the object of the campaign was to penetrate into North Carolina." This, surely, could not have been sufficient of itself to sanctify an expedition of so much certain expence and probable danger; and his lordship very properly gives the farther explanation in a subsequent passage, by saying, that "it was to give protection to the many loyalists that there were in North Carolina, and to bring them to the British standard." From whom his lordship received this information, he could not pretend to guess; but most likely from this country, where all such information had its rise and currency. Undoubtedly, there was reason to apprehend that

there might be some men in North Carolina, who, on the approach of his majesty's arms, might have joined them; for, previous to the present contest, there were a set of men in this province, a sort of banditti, who infested the peaceable inhabitants, and against whose depredations it had been found necessary to guard, by putting arms into the hands of a number of orderly persons, who were called regulators. To be sure, it was not altogether unreasonable to hope, but that these banditti, who had maintained a sort of intestine war against the old-established government of the province, might be expected to join those who came like themselves to attack that government. To men of such a description all government would be alike, and they would be ready to join any force whatever that came with hostile intentions against the settled power of the country. But even those expectations, if any such were formed, had been disappointed, and the whole object of the campaign had failed.

This failure, he said, must have proceeded from one of these three causes: first, that there must have been some essential defects in the plan; secondly, that the means must not have been adequate to the object; and thirdly, that there must have arisen certain unforeseen contingencies, applicable to this campaign only, which had defeated the end. As he could not for a moment suspect that either of the two former could be held up by government as the cause of our failure, in regard to themselves or to the commander, whose skill, enterprize, and perseverance, were justly praised, he could only have recourse to the last, as the only probable cause that could be urged by ministers of the calamities of the campaign. With this view, therefore, he would examine the contents of Earl Cornwallis's dispatches, to see if his information would bear ministers out in this argument. He here turned to the Gazette Extraordinary, and by commenting on every passage, he shewed the House that the obstacles were not temporary nor peculiar; they were not applicable only to this campaign, nor such as were either unforeseen or unexpected. They were obstacles incident to the nature of the war, and which we should always have to encounter and surmount, while the constitution of nature remained the same. They were the obstacles of rivers, of a deep intersected country, of impassable marshes, of a disaffected people, of "timid friends, and of inveterate enemies." Such was the state of the country, that he could not procure provisions for his small army, while that of General Green, so much more numerous, found no such want. Such was the state of that service, that he had not been able even to procure intelligence. So timid, as he expressed it, were the friends of government

in that country, (represented as so favourable, that they would be ready to flock to the royal standard on its approach,) that they would not even venture to give him intelligence, much less assistance; or only give him delusive and false intelligence, by which he might be led into situations dangerous and difficult for his army.

He made here a just distinction between the conduct of the friends of government in that country and this. There they were so timid, or rather treacherous, for that was the more applicable epithet, as to give no intelligence; here they were so audacious as to give us intelligence in immense quantities. They told us every thing. Such was the abundance of intelligence with which they furnished us, that they had hurried us on, from year to year, from effort to effort; from expence to expence, with an avidity which only could be equalled by the timidity and the silence of those friends whom they had left behind. He wished to God that those men, who had been so loquacious in England, had been in Carolina, where their loquacity would have been of service; and that those timid friends had been in England in their stead, by which we might have been preserved from all that torrent of intelligence which had influenced and hurried us into this war, and been provided with a little of it in the day of necessity, when information was necessary to safety, if not to success.

He proceeded next to the battle of Guildford, where the gazette asserted we had obtained a signal victory. This term, he doubted not, was used by Lord Cornwallis in a very proper sense, for he could only attend to the disproportion between the two armies; in which point of view, no doubt, that a victory should be gained on our side was very astonishing, and highly to the honour of our troops; but if the consequences of the action were to be regarded, then he must understand the word signal in a very different sense, and allow the victory to have been signalised by drawing after it the same identical effects that might have been expected from a defeat. Had our army been vanquished, what course could they have taken? Certainly, they would have abandoned the field of action, and flown for refuge to the sea-side: now these were precisely the measures we were obliged to adopt after the action at Guildford, the victorious army leaving the field, abandoning the future object of its expedition, and retiring to the fleet. Another term used by Lord Cornwallis, he must also take notice of; he called his army a little one; and well, indeed, might he give it that appellation, since his whole force did not amount at the utmost to 3,000 men. He took that number, merely to avoid a contradiction that might

divert the current of debate into an improper channel; for he was credibly informed, the army did not amount to one half the number he had stated; but taking it at 3,000, then on what principle could ministers justify confining the operations of this active and spirited general by so scanty a force? Little, indeed, the army was, compared to the enemy it combated, but still less, if compared to the army estimates voted this session; for it appeared by them, that no less than 83,000 men were employed in America, including a small number in the West Indies; so that in order to bring 3,000 men into the field, the public were to pay for and provide 83,000! He did not mean absolutely to say, that so many were actually in the service, perhaps not a tenth part of them could be produced; but the account of them was to be seen on the table; and what language could properly describe the fraudulent conduct of ministers, in imposing so grievous a burden on the people without necessity? He would take, however, if they pleased, the other alternative; he would suppose every man charged in the estimates to be really employed, and that it was necessary to keep 80,000 on the defensive, that 3,000 might be brought into the field; need there any thing else be urged to prove the ruinous tendency of the American war? For Lord Cornwallis had stated, as his opinion, that defensive measures would be certain ruin to our affairs, and yet we could not act offensively, without keeping about a proportion of twenty-five to one in garrison; nor did this computation go far enough; as, besides the 83,000, our friends in America were to be reckoned nine-tenths of the whole; instead of which, however, he was rather inclined to believe a great part of the former number were necessarily employed in watching them, instead of their being any wise serviceable to our cause.

From this he deduced the absurdity of attempting to contend with France in America: we had conquered that power in Germany last war, as it had been said; for his part, he rather entertained a different opinion, believing that both powers found that conflict so expensive, that they retired from it mutually exhausted, and saw it answered to them the end of a war nearer home, by sufficiently weakening each other; but would that equality of expence exist in the present case? Certainly not; for the minister could not deny, that, if we had a hundred thousand men in America, and France only twenty-five thousand, she could bring more troops into the field than we; but besides this, allowing that each brought the same number, our enemy would not incur one-fifth part of our expence.

After dwelling a considerable time on the illustration of

this doctrine, he wound up his comments on the gazette, by observing, that though Lord Cornwallis had done every thing he proposed, by penetrating into North Carolina; though he had been fortunate enough to come up with General Green, engaged, and defeated him, he had found no one good consequence of his success, not being joined by any body of Americans, as he expected, nor even retaining the ground upon which he had conquered. As, therefore, no unforeseen obstacles had presented themselves, and no ill conduct had attended the execution of the plan, it was undeniable that the project was a vain one, similar to all the other enterprises we had formed, during the course of the war; for inimical as the inhabitants of the country were always found, and defended as they were by natural barriers, extensive conquests must ever be impracticable, and no abilities of the general or valour of the troops could avail to any substantial success. This was experienced by General Burgoyne at Bennington; by General Howe at Long Island; by Lord Cornwallis at Guildford; and so it ever must be found while the constitution of things in America remained the same. Ministers had already tried the fortune of war in nearly all the thirteen provinces: they began with Massachuset's Bay, which was, in the commencement of the war, supposed the only hostile part of the continent; an insurrection in the province of Massachuset's Bay was the general phrase, and formed the preamble in every act of parliament for coercing America; of course, therefore, to suppress that insurrection, was the only object of the war, and Boston was then taken possession of as the only military operation necessary; but, in a short time, that town was abandoned again, and with so much avidity, that a great minister of state, now no more (Lord Suffolk), had even congratulated parliament on the occasion. We then possessed ourselves of New York, finding the flame of rebellion had extended farther southwards, and there continued till this hour, though it seemed it was not a situation for offensive measures. The next enterprize was levelled at the middle colonies, and Philadelphia was taken; which success was preceded by a very important victory; yet that place was also abandoned much to our satisfaction, and the retreat from it had eternised the name of Clinton. After this we discovered, all at once, that the southern colonies were most vulnerable and proper for an attack; a noble lord (Lord Westcote) proclaimed their inhabitants to be effeminate and enervated by the heat of the sun; his lordship, being a scholar, reasoned on the topic very scientifically, and his ideas were at once adopted: Charlestown in consequence was taken; and, but for extraordinary exertions of bravery, would have turned

out a conquest more injurious to our cause than any of the preceding. In short, we had now attempted every province but Virginia and New Hampshire, the latter of which, he was sorry to find, could not be invaded without great difficulty; but, as to the former, he understood it was to be the next object of enterprize. Now, he would be happy to learn, whether after the thirteen colonies had been invaded, without advancing our grand object a single step, ministers would at last consent to relinquish this most destructive war. If he could only obtain an assurance of that, he would readily consent to an attempt on Virginia, and think he made a good bargain for his constituents. He adverted to an expression of Lord George Germain on a former day, that ministers surely could not want a disposition to peace, as they had a stake in the hedge. Perhaps it might be objected to him, that not having a stake in the country he was not sincere in his professions, and that his arguments ought, therefore, to be disregarded. It was very true, that his personal interest; his personal stake in the country, was but small; he would, however, claim the praise of as sincere a regard for his country as any man in it, be his fortune what it might; and he conceived that his proposition would not be less attended to, because he himself had not the wealth of those men who had been accumulating princely fortunes by the calamities of their country. But if he had no stake, the respectable body of men whom he had the honour to represent, and whose interests he was appointed to guard, had a stake for which it became him to be solicitous. The city of Westminster was materially affected by the continuance of the war. They had suffered most severely in the struggle, and he knew that he spoke their wishes, when he recommended to ministers to take every possible means of reconciling us with our brethren in America. After a variety of other arguments he moved, "That this House will resolve itself into a committee of the whole House, to take into consideration the present state of the American war;" and intimated his intention of moving in the committee, should it be appointed, a resolution, "That his majesty's ministers ought immediately to take every possible measure for concluding peace with our American colonies."

As this motion occasioned an exertion of all the ability on either side of the House, it necessarily brought out all the arguments that had yet, or that could now be offered, on the questions, of the propriety of continuing the American war, the grounds for hoping or despairing of success, the prudence or policy of seeking a peace with America, the probabilities of obtaining it, or of detaching them from their allies, if sought, the consequences of granting independence to the colonies, which must be laid down

as the first preliminary towards obtaining such a peace, and whether the crown was not already endued with sufficient powers for concluding a peace with America, if ever the necessity of such a measure should be established? Both the competency of parliament to any interference in the business of the executive power, and the propriety, if competent, of such interference, were likewise brought into question, and fully discussed. The motion was opposed by Lord Westcote, Mr. Rigby, Lord George Germain, Mr. William Adam, Mr. George Onslow, and the Lord Advocate of Scotland, Mr. Dundas. It was supported by Mr. Pratt, son of Lord Camden, who addressed the House for the first time, Sir Thomas Clarges, Mr. Thomas Townshend, Sir Edward Astley, Lord John Cavendish, Sir George Savile, Mr. Charles Dundas, Mr. Turner, Lord Howe, General Burgoyne, Mr. Hartley, Mr. Martin, Mr. Bankes, Mr. William Pitt, Lord Maitland, and Lord Duncannon. The debate continued till midnight. The government benches growing extremely vociferous, and calling out loudly for the question,

Mr. Fox rose to reply. It was some minutes before the Speaker could restore order; at length silence being obtained, he proceeded. He began with returning thanks to the House for the disposition they shewed to indulge him with a few words by way of reply, or rather for the purpose of giving a few explanations respecting some very plausible objections which had been raised against two or three of his strongest arguments. He was the more obliged to the House for this indulgence, because, according to the strict rules of parliamentary order, he was not entitled to rise a second time to speak to the same question; feeling, therefore, the obligation which he owed the House, he should repay it in the only way it was in his power to repay it, that was by being as brief as possible, and not adding a syllable, which did not seem to him necessary for the illustration of his former arguments, or in such instances as he had been misunderstood or misrepresented.

After this exordium, he said it was his duty, as it was that of every individual in that House, who called upon the representatives of the people to unite in opinion with him upon a particular measure of policy or legislation, to do every thing in his power to shew that the measure so proposed was a wise and salutary one, and that the objections made to it were either frivolous or unfounded; under this call he now rose, and entreated a candid and patient hearing. The noble lord at the head of the American department had recourse to a very extraordinary and novel species of logic, to prove that he was not mistaken in his expectations respecting the loyalty of the inhabitants of North Carolina: his lordship said, that Lord Cornwallis was mistaken as well as he, which amounted to this; that in every situation that could be

imagined, a person being originally wrong, as soon as another person happened to coincide with him in opinion, from that instant he became right; and for what reason? The noble lord himself had told us: the noble lord himself was wrong; Lord Cornwallis helped to confirm him in his mistakes, and of course they were each separately right, because both were in the wrong.

But not wishing to catch at words, instead of realities, what are the true grounds, said Mr. Fox, on which the noble lord maintains that the North Carolinians are loyal? His lordship says, General Greene has been obliged to draw the subsistence of his army from the neighbouring provinces; the people of Carolina would not supply him any more than Lord Cornwallis; that is, a great majority of the inhabitants of North Carolina wish well to government, and abhor the tyranny of the congress; and how do they return the obligations they owe to the royal army? Why, they refuse all kind of aid or assistance to their saviours and protectors, and treat those who come to release them from the bonds of tyranny exactly as they do their tyrants and oppressors, by refusing all aid or succour whatever.

O! says the noble lord, that is not the case; the loyal inhabitants would do otherwise if they could do it with safety. They made one attempt, but it miscarried; and those who made it were sacrificed to the resentment of their enraged brethren. Surely he was in a dream, or the noble lord did not mean to be serious, when he said, that so great and able a general as Lord Cornwallis confessedly was, in the heart of a loyal and friendly country, and at the head of a victorious army, were the good disposition of the inhabitants and their eagerness to repair to the royal standard as true as it had been confidently asserted, would abandon the post! Surely the noble lord at the head of the American department would not gravely assert, that under such circumstances it was possible that Lord Cornwallis could have relinquished all hopes of improving the advantages he had obtained, without at the same time insinuating the severest libel upon the military conduct of the noble commander! He was in his soul convinced of the contrary; he was persuaded the noble lord at the head of the Southern American army was beyond the reach of any such insidious insinuation, if any such was intended. The truth was, his lordship met no friends, when weighed in the opposite scale against his numerous enemies; and after doing all that an officer in his situation could do, he was obliged to abandon all hopes of success, because, like every other officer, he had been deceived on two grounds: he had been cheated in the first instance, and made to believe

that he was to have had twice, if not thrice the force which he really had; and equally cheated by false insinuations from hence, that he would be received with open arms by a host of friends, warmly and zealously attached to the cause which he came to maintain, instead of being publicly annoyed, or secretly betrayed or circumvented by a host of inveterate enemies.

Before he proceeded farther into personal or particular explanation, he would beg leave to make an observation or two upon a principle which pervaded the present debate, as well as all others which related to the American war. It was said, and said too with great confidence, and it came from quarters which proved its meaning to be the current opinions which prevailed in another place: It is not fit, though it be even competent for parliament to interfere in the exercise of those powers which the constitution has devolved on the crown, and the crown as a matter of course has delegated to its servants, to disturb the deliberate chimeras or dreams of ministers; for be the consequences what they may, ministers must be ultimately responsible. The argument, he confessed, if not a good one, was at least plausible; it carried with it, it was true, a principle of eventual ruin to the state, because it might be pushed to a possible, he feared even to a probable case, in which ministerial responsibility, as had been observed by his noble friend (Lord Maitland), would be a farce;—but taking up the idea, and accepting of it in the very manner in which it was intended to be pressed on the understanding of the House, it was his duty, pledged as he then stood, to detect and expose the paltry sophistry which lay lurking under it.

There were two constant objects which principally fixed the attention of that side of the House on which he had the honour to sit; the one, the maintenance of the supreme rights of the legislature, to direct, propound, and finally determine, on what ought or ought not to be asserted or conceded, in respect of the rights or claims of this country over America. This inherent right was never professedly controverted in that House by the boldest or most implicit ministerialist; but this night, for the first time, he heard the principle denied, or, which was the same thing, endeavoured to be set aside. The general principle of ministerial responsibility was opposed to the right of parliament to interfere. Hitherto he had constantly heard, that this was a parliamentary war, a legislative war, a war not to extend or increase the power or prerogative of the crown; no, but a war specially undertaken to vindicate the supremacy of parliament, and its legislative superintendance and controul over every part of the British

empire; but to-day it has been represented as a ministerial war, in the controul of which Parliament have not the least pretence to interfere, nor to offer their advice, unless they are determined to violate the constitution, and usurp the exercise of the executive power.

This was the uniform language held by those who maintained the propriety, the necessity, and expediency of the American war till this evening; when, for the first time, he heard that the war was no longer a parliamentary war, but a ministerial one. Parliament have no constitutional right to interfere, say some; they ought not to interfere, say others; because the hands of the King's servants will be so tied up that they will be deprived of improving those opportunities of advancing the interests of the country, which they might be able to improve to the benefit of the nation, if left at liberty to act according to the various contingencies and circumstances which may arise in the course of future negociation. Here, then, were the most palpable and gross contradictions: if ministers were intreated to make peace, no, said they, that cannot be; the American war is a parliamentary or legislative war; the crown has no immediate or particular interest in the prosecution of it; parliament alone are responsible: but as soon as a proposition is made, calling upon parliament to interfere, no, again, say the very same men; parliament have no right to interfere, nor, if they had, would it be politic or prudent for them so to do.

After he had stated in the most pointed manner the contradictory language held by ministers, as it suited their present purpose, he proceeded to give specific answers to such gentlemen as had undertaken to controvert the grounds and propriety of his motion.

A right honourable gentleman on the floor, who had honoured him with the name of friend (Mr. Rigby) had paid him compliments which he was not so vain or foolish as to think were well founded. He felt no consciousness that the right honourable gentleman's eulogies were fitly applied wherever his own conduct furnished the subject; but happy as he was in the good opinion and friendship of the right honourable gentleman, he sincerely wished that he had forborne that part of his speech altogether; for he never, as a testimony of kindness or good will, accepted what came accompanied with indiscriminate censures upon those whom he held most dear, or with whom he was most intimately connected.

The right honourable gentleman says, that every administration since the accession of his present Majesty, let them disagree upon what other points they might, were at east

unanimous in one, that of taxing and coercing America. The right honourable gentleman in the warmth of political zeal, and trusting with the most unbounded confidence in the fidelity of his memory, asserts that the administration, who passed the stamp act, supported the principle on which the American war was carried on: that the real political arrangement under the auspices of a noble marquis (of Rockingham) a member of the other House, supported the same principle, when, by repealing the stamp act, they asserted the unconditional right and dominion of this country over America by passing the declaratory law. The next administration is charged by the right honourable gentleman with following the same track which had been traced out by their predecessors in office; and a justly distinguished and celebrated statesman, some time deceased, and a noble duke (the Earl of Chatham and the Duke of Grafton), who successively directed his majesty's councils, are specially pointed out by the right honourable gentleman, as being the promoters of the port duty bill, and sending troops to Boston to enforce the legal execution of that law. They are represented as treading in the footsteps of the two preceding administrations, so as to prove the right honourable gentleman's assertion to the unlimited extent in which he would have it credited; that every administration, and every man of every party in a public situation, had pledged themselves to the support and maintenance of the American war.

The right honourable gentleman, not contented with general assertions, has pushed the charge still farther, down to the actual commencement of hostilities, and to events of even a later date; and as a farther confirmation of what he has said on the subject, has described the American war to have been in its origin and progress a most popular war. Before I proceed to controvert the right honourable gentleman's conclutions, feeling as I do, I find myself compelled, from a just and well founded resentment, to vindicate the character of some persons, whom the right honourable gentleman has thought proper to load with ill-founded aspersions, in the observations he has made in this part of his speech.

The right honourable gentleman concludes his observations thus: "Surely, if the American war be wicked, ruinous, unjust, and bloody; if it was planned with folly, prosecuted with cruelty, and ultimately tends to national destruction; the several persons thus described, having maintained the principle on which the war was commenced, and approved of the measures which actually produced it, were equally unjust and cruel, and blinded with the same spirit of persecution, as those to whose lot it had fallen to carry the measures into

execution which brought on this execrable war." I will meet the right honourable gentleman on his own conclusion; I am ready to join issue with him on the merits, and allow that all he has said and insinuated is strictly consonant to truth; that they would be wicked and cruel, if they had either promoted or approved of such a war; but I do aver, that the charge is not founded in fact, but directly repugnant to fair, even to colourable conclusions; and, high and powerfully supported as that right honourable gentleman stands in this House and out of it, I would recommend to him to be more temperate in his language when he makes such positive charges, and draws such severe conclusions against some of the greatest and most respectable characters in this country. I am ready to declare my opinion of the right honourable gentleman's integrity and abilities; I am willing to give full credit to his assertions declarative of the motives on which he acted; I thank him for his very favourable, but unmerited sentiments respecting so insignificant a person as I am, whom he has thought fit to exalt into a degree of consequence to which I am by no means entitled; but while in the midst of this shew of kindness I hear my dearest friends and connexions directly or indirectly charged with what I think the worst and blackest of crimes, as the authors of a system, or the supporters of measures which led to, and produced the American war, I cannot accept of any appearances of friendship upon such terms; nor can I sit silent without professing my utmost disapprobation of assertions every way so ill-founded, and arguments so sophistical and fallacious.

I am ready to appeal to every impartial person in this House, whether there is not an immense difference between a speculative assertion of a right, and the enforcing that right with the point of the bayonet? I would appeal to those who hear me, whether there is any similarity between regulations of commerce and actual taxes? But I shall avoid entering into particulars at so late an hour, and only refer to the conduct of the noble lord in the blue ribbon, and the noble lord near him at the head of the American department. What was the language of the former? "We must and will have a revenue from America; not a pepper-corn, merely to maintain an ideal and unprofitable right; but a clear, substantial, and productive revenue." What was the language of the latter? "Not to listen to any terms short of unconditional submission." What was the purport of the noble lord's conciliatory propositions but to tax the colonies by proxy: that is, the colonies to tax themselves, and the produce to be transmitted home to Great Britain, to be at the disposal of the British parliament? What again was the

conduct of the people of America? Why, they resisted it as one man, from one end of the North American continent to the other. The colonies resisted both principles equally; they resisted taxation in one instance, and foreign legislation in the other; they determined, *unâ voce*, to legislate for and tax themselves.

After explaining himself very fully, in order to shew that none of the great and respectable names alluded to, nor their friends, went the length of actual taxation or legislation in any instance, but so far as the latter might have reference to commercial regulation and mutual benefit, he spoke of his own conduct and the conduct of his friends relative to the passing of the Boston port bill. The right honourable gentleman says, that the Boston port bill passed without a division, without a debate, or any kind of opposition whatever. He has stated this circumstance, to shew that the measures which immediately produced the American war met with the approbation of all parties; but the right honourable gentleman's argument upon the presumed fact is as fallacious as the fact itself is ill founded. The Boston port bill was opposed in several of its stages. I opposed it myself, said Mr. Fox, and there are many within my hearing who also very strenuously opposed it. The right honourable gentleman avers, that it was not opposed in either House of parliament. Though it may not be quite regular to take notice of what passed on that occasion in the other House, I am warranted in answering an argument supported upon such ground; and I am warranted to do this upon equal authority; for I know there was an opposition made to the Boston port bill in the other House as well as in this; but I will explain to the right honourable gentleman what he seems to have forgotten, for I am not to presume that he purposely omitted it.

The reason why there was not so strenuous and regular an opposition to that measure, and that no division ensued, was this: the riot in Boston and the destruction of the tea was represented by ministers as a partial rising, confined to that town alone, and not countenanced by any persons of property even there; highly disapproved of by the leading people in the province of Massachusets Bay, and reprobated throughout the other colonies. Such being the presumed facts, as stated by those who recommended the measure, with what request did they come to Parliament? That, as it was but a local insurrection, or rather popular tumult, which arose among the very dregs of the people, the bill would, as soon as known, have the effect of restoring peace, good order, and legal government; and should it prove otherwise, a regiment or two then under orders to repair thither would immediately,

without farther trouble or any effusion of blood, force the townsmen into an obedience to the laws. As the language of the day was, that the sword and the olive branch would be presented, and offenders would be left to their option. This, I am free to contend, was the true state of that transaction; but at the time I defy the right honourable gentleman to say, that it was so much as hinted by any person in a responsible situation, that the parliament of Great Britain had any intention of enforcing any claims of universal taxation, unlimited legislation, or unconditional submission.

The right honourable gentleman, and several others who have spoken since, particularly the learned lord advocate of Scotland, have made, what they seem to think, a most important discovery, that I have declined to move a vote, declaring the American colonies in resistance independent; though, say they, my motion goes precisely to the same point. If this is meant to hold out to the House, that while I profess one thing I mean another, nothing, I do assure you, Sir, can be more unfounded; for, to be very plain, had not I other reasons but such as might militate against the mere naked question of declaring America independent, I should not hesitate a single moment upon what was proper to be done; for, thinking as I do, that America is lost, irrecoverably lost to this country, we could lose nothing by a vote declaring America independent; but I had even more than one reason: the first and most pressing motive on my mind was, that I did not choose to go the full length of what I feared we must, in the end, be obliged to consent to; what I know we must, without reserve, consent to,—to declare America independent; because such a declaration, on our part, being an ultimatum, might beget still higher pretensions in the minds of the people of America on their own account. The other, that although we should hold out an offer of independence, we are not so fully and perfectly acquainted with the connexion between France and America as to say, whether the point of independence being once gained, France would not improve that circumstance to her own partial advantage, and on that ground urge farther claims, to comply with which both the interest and honour of this country must be sacrificed.

As to the mere single proposition, whether America might with propriety be declared independent abstracted from other considerations, it is perfectly ridiculous to debate about it in this House this evening. America, as the right honourable gentleman has confessed, is already independent; and, as he well observed, ought to be considered, in one light, as a public enemy. I most heartily agree with the right honourable gentleman, that she is independent: I may possibly dis-

agree with him, when I affirm again, that she will and must be independent. It is, however, impossible to say, with any degree of confidence or precision, to what extent or effect the other evils the right honourable gentleman predicts may be averted; such as the safety of our West India Islands, &c. but this I am in my own mind authorised to say, were it not that conciliatory, healing, and friendly negociation, may effect much in preventing the bad consequences which a vote, declaring America independent, might be productive of hereafter, I should, instead of making the motion I have done, directly have moved, that the American states be declared independent.

The honourable gentleman who spoke later (Mr. Adam) opposes the present motion, upon what appears to me novel ground. The honourable gentleman says, or at least he is pleased to suppose, that very few instances have ever happened in which the legislature interfered, or offered to control the executive power; and the only instance which he seems to have any knowledge of, or has thought fit to state, he says, proved injurious to the state. That it was not the only instance, I shall prove by-and-by; that it had the effect imputed to it, wants much better proof than that adduced by the honourable gentleman. The honourable gentleman has deemed it *proper* to state certain facts relative to the interference of parliament in the reign of King William, respecting the conduct of the affairs of Ireland. He imagines the affairs of Ireland went wrong, on account of the interference of parliament. He carries his imagination still farther, by saying, that this interference retarded the reduction and settlement of that kingdom, and as a consequence of the evil effects of parliamentary interference, he is pleased to conclude, that as soon as it ceased, so soon the affairs of Ireland began to wear a better aspect, and at length were happily and effectually terminated. This appears to me a string of suppositions from the beginning to the end. No proof; nothing more than mere assertion is offered in support of either the presumed facts or ideal consequences; and when, with infinite reluctance, I find myself compelled to meet such an argument, if it may be called one, I feel myself urged to meet it in the only way in which it can be met, that of doubting or controverting the facts, and of consequently denying the conclusions.

I would, however, observe here, that the honourable gentleman, and the learned lord advocate of Scotland, totally differ upon this point. The learned lord affirms, without reserve, that parliament have never interfered. The honourable gentleman acknowledges that there had been one instance in which parliament interfered; but it had miscarried.

To the honourable gentleman I answer, that the public disappointment did not arise from the interference of parliament; and that there are many instances upon record where parliament interfered, besides that which he mentioned: and to the learned lord, that it had not been an unusual or accidental interference, but originated from the very frame and nature of the constitution itself. When the learned lord, in particular, asserted, with so much confidence, that there had been no one instance in which the legislature expressly interfered between the state and the king's servants, or offered to control, or give general or specific directions, I must own, after what the honourable gentleman, to whose speech I am immediately alluding, had asserted, I was much surprised; because, in the first place, the honourable gentleman had furnished one example of the contrary; because the history of England, sometimes with very good effect, and from the best motives, gives frequent instances that such a control has been exercised by parliament; and secondly, out of the numerous examples which might be quoted, the conduct of parliament in the course of the Succession war during the reign of Queen Anne, furnished a case exactly in point. At that time, as now, there were two powerful parties in the nation; one that thought it better to let the Duke of Anjou mount the Spanish throne, under the will of the late Spanish monarch, *than plunge the nation into a war, or persevere in it when commenced*; the other, who thought that the liberties of Europe depended upon preventing at all risks the Spanish monarchy *from being possessed* by one of the children or branches of the house of Bourbon, in the person of the then competitor for the crown of Spain. But see how exactly both cases tallied. I mean the prevailing politics of that day, compared with the proposed effect of the present motion. The parliament of that day said, no peace with Louis XIV. unless the Duke of Anjou relinquish his pretensions to the Spanish monarchy, or, as it was then technically expressed, no peace with France while Spain continues in the possession of one of the branches of the house of Bourbon. I say, in conformity to that parliamentary vote, let his majesty be addressed by this House to give instructions to his ministers to make peace with America.

The learned lord over the way, whom I always hear with so much pleasure, particularly when he seems to be at all acquainted with his subject, has been the source of great entertainment this evening, and in nothing more than in his making a public confession of his political tenets, or what he has been pleased to style his political creed or confession of faith. I always listen to whatever falls from the learned lord with

that degree of attention that is justly due to it; but when political creeds come from that side of the House, I confess I am much better pleased to hear them come from persons acting in responsible situations; otherwise they are mere idle, floating opinions of individuals, which, however respectable the persons may be that deliver them, can live but for the moment, and are by no means binding in future, nor in fact have any real reference, even to the existing measures at the time.

The learned lord has, however, with a candour which is natural to him, and with a senatorial spirit of independence which does him infinite honour, told the House, that he disdains to walk in ministerial trammels, even in the harness of his noble friend, the noble lord in the blue ribbon. He says that he never could have thought of entering into a treaty with our rebellious subjects, so long as they continued to resist the claims of this country with arms in their hands. He was for no treaty; no concessions: he would hear of no terms; and was resolved never to concede upon any intermediate negociation. Unhappily for this nation, it seems the learned lord had then formed no connections on this side of the Tweed. His lordship was then no more than an individual, equally friendly or inimical to the noble lord in the blue ribbon and ministers, and to their opponents. He had then, I say, no influence with the minister arising from personal intimacy, and the confidence which generally accompanies it. So far from it, the learned lord honestly avows, that among all the friends of government in this House, he only, and a right honourable gentleman whom I do not see in his place, (Mr. Welbore Ellis,) had the public virtue to differ from the minister on the policy of his conciliatory proposition; and they only had the political foresight to look forward to the consequences which this mistaken measure would ultimately produce. The learned lord, pursuing his fixed line of conduct, honestly confesses he voted for every question respecting the American war, and for the most vigorous exertions. He says farther, that he never conceived a second opinion on the subject; and that if the whole ground was to be trod over again, he would pursue the same line of conduct, step by step. Taxation and legislation over the colonies were the great objects he proposed at the outset to obtain, and, in the true spirit of steadiness, he had never swerved, but had strictly pursued the paths which he had previously chalked out to himself.

I am well persuaded of the learned lord's great abilities; I am equally convinced of his integrity; and, give me leave to say, that I am generally astonished at the correctness of his

memory. But, great as his talents confessedly are, unshaken as his integrity, and wonderful as his memory may be, I must doubt the truth of the history the learned lord has given of his own political life, his steadiness, and his other public virtues, in the shape in which he has thought fit to bring them forward. The learned lord said, and I impute the assertion solely to a failure of memory, that he never differed with the minister but in the instance already mentioned. Now, if I am wrong, the learned lord, I dare say, will set me right; but I think I may say, nay, with confidence affirm, that the learned lord, so far from continuing to support the principles of taxation and legislation, unconditionally, and without reserve, was one of the first persons, after the noble lord in the blue ribbon, who supported the bills, (in the spring of 1778,) declaring, that the people of America should never be taxed by the British parliament; that not a shilling should be drawn from that country by way of revenue, nor a shilling raised there should be disposable, in any shape, or under any pretext, by a British parliament; that the colonies henceforward should be their own legislators; and after having thrown away the lives of fifty thousand brave citizens, and spent fifty millions of money, that all our claims over America should be relinquished, and a mere nominal sovereignty, or ideal, unprofitable connection, be substituted in lieu of those substantial and high-sounding pretensions, so ably stated by the learned lord.

I do not say I have the most retentive memory in the world, and I believe I have not the worst. The learned lord will, I dare say, direct me to the right path, should I deviate from it. Under this expectation and correction, I believe I may venture to remind the learned lord of his exculpatory apology when I once before mentioned this, as a proof of his want of memory, at least, of his want of consistency. I hope, however, that the learned lord will ever remember it, after this night, and not again relapse into the same state of total forgetfulness. The learned lord's answer was, that the American war ought to be pursued with firmness and vigour till after Mr. Burgoyne's disaster; after that fatal event, the object being no longer attainable, another system of policy had become indispensably necessary; but if gentlemen will only attend to what fell from the learned lord in the course of his speech, they will collect that he has changed his political creed for the third time. He was first for coercing America at all events. When all prospect of success vanished, on account of the capture of the northern army, in 1777, at Saratoga, then he abandoned his system, as no longer practicable; but now, for the third time, after the learned lord has

honestly and fairly confessed, that all substantial expectations of success are over, he has returned to his first opinion, and that upon worse grounds than he first took it up. He says, now peace cannot be made, though there are no hopes even of succeeding, nor ought it to have been made, so long as there were any hopes of succeeding.

The learned lord has made a very long and eloquent oration on the great abilities and exalted virtues of a most consummate statesman lately deceased, the Earl of Chatham. My youth and habits of life afforded me very little opportunity of being personally acquainted with that great minister; yet I am sure no man, on either side of the House, reverences the memory of that minister more than I do; nevertheless, I would be heard, by way of laying in my claim for others, who perhaps not exactly thinking with the deceased noble lord in every thing, have yet conferred great obligations on their country. I, insignificant as I may be, might differ from that noble earl in some things, my friends likewise might do the same; I am happy, however, I have it in my power to affirm, without the risk of contradiction, that the deceased earl's ideas respecting the commencement and prosecution of the American war, were directly repugnant to those pursued by the present administration, and so warmly defended by the learned lord. The learned lord has described the deceased earl in a most awful and affecting situation, not directly for the purposes he first mentioned to employ his name; I mean to prove that his lordship was a friend of coercion; but merely to oppose his dying opinion, reprobating in the warmest terms any idea of declaring America independent, to the tendency of this motion. I am sure that great statesman was sincere, and might have been right in his opinion then: but is his opinion in 1778, just when France was entering into the war, before Spain joined with France, or was followed by Holland; and more than all, before France disputed the empire of the sea, and the American militia were transformed, or disciplined into regular troops; before, I say, any of these circumstances could be known, is it fair to quote words, which could only have weight when applied to matters as they then stood, to another given situation totally different?

But if the learned lord is mistaken in the deduction he has attempted to draw from the noble earl's speech, the day he was struck with his last illness, I am ready to believe that he could not have been in this part of the kingdom at the time he states, otherwise he must have known that the Earl of Chatham, so far from approving of the American war, reprobated it in the strongest manner possible in parliament; and

before a single life had been lost, or a drop of blood shed in America, made two motions; one by the way of bill, for qualifying the rights of both countries; the other by way of motion, for immediately withdrawing the troops from the town of Boston. These were his opinions before a shot had been fired on either side; and it would be a very needless task to go into an enumeration of the several patriotic and noble struggles he made from time to time; even the last session he preached peace to ministers, in order to arrest their unskilful hands, and stop them in the mad career of blood and slaughter in which they had involved the whole British empire from one corner to the other. Mr. Fox entered into a variety of explanations elucidatory of this part of his speech, and again proceeded in reply.

The noble lord who spoke second had called the American war a holy war. The application of the word holy to the present war, may have appeared new to every gentleman present but myself. It is not new to me, and I will tell the House why it is not. I was over in Paris just at the eve of this very war; and Dr. Franklin honoured me with his intimacy. I remember one day conversing with him on the subject, and predicting the fatal consequences, he compared the principle of the war, and its probable effects, to the ancient crusades. He foretold, that our best blood and our treasure would be squandered and thrown away to no manner of purpose; that, like the holy war, while we carried ruin and destruction into America, we should impoverish and depopulate Britain; and while we went thither, under the pretence of conferring temporal, not ghostly benefits upon the vanquished, our concealed purpose was to destroy, enslave, or oppress, as it promised best to answer our ends; while, like the pretended martyrs, or zealots, in ancient times, we concealed, under this fair semblance, every vice and passion which constituted human depravity, and human turpitude; avarice, revenge, ambition, and base as well as impotent resentment.

But if that was the opinion of that great philosopher in 1776, how much stronger would the comparison hold at present? Like the Crusaders in the holy war, who went to fight for the sepulchre of our Saviour, and to possess Palestine, in order to have the honour of guarding the sepulchre, though the body had been translated to another place for many centuries; the present ministers, treading in the footsteps of those bloody and senseless zealots, still continued to contend for the possession of an empty sepulchre; they had relinquished taxation, they had given up legislation; they had even offered to pay the debts of the Americans; and instead of giving

them laws, of receiving laws from them *; but yet this holy land was to be made the scene of a holy war; because at a former period they told parliament and the nation, that they would tax and make laws for America. I have not a syllable more to add, but to return my grateful thanks for the attention which has been shewn me. I did not hear a word said against my motion, but that it would lead to American independence; all therefore I have to do is, to answer that objection, by taking upon me to predict, that ministers themselves, in the course of six months from this day, will offer some proposition, similar to that which I have taken the liberty to submit to the House. I know they will, I know they intend it; and under that persuasion, I trust the fate of my question to the fair, impartial, and unprejudiced judgment of the House.

The House divided:

	Tellers.			*Tellers.*	
YEAS	Mr. T. Townshend Mr. Byng	99.	NOES	Mr. Adam Mr. J. Robinson	172.

So it passed in the negative.

MR. FOX'S BILL FOR THE REPEAL OF THE MARRIAGE ACT.

May 28.

THE restrictions of the marriage act of the year 1753, had not only been much complained of by the younger part of the world, but had drawn the censure of some more serious, and even well-informed men, who supposing it unfavourable to population, considered it as contrary to the policy of all states, but particularly to that of a commercial nation; and who condemned it likewise as being aristocratic in its principle. An inconvenience, arising not so much from any end proposed by the law, as from some incidental circumstances of the penalties which were to enforce obedience to it, was the cause of its being at this time brought into discussion. As publicity was one of the objects aimed at in this law, it enacted, that all marriages celebrated in places, where banns had not been usually published, and marriages celebrated, before the act, should be considered as void *ab initio*. It happened, that a great number of new chapels and places of worship had, accord-

* Mr. Fox alluded to the offer made by the commissioners, to permit deputies from the provincial assemblies to sit and vote in the British House of Commons.

ing to various exigencies, been erected since the passing of that law; and while the more ostensible, and originally operative parts of the law were well remembered, nobody thought of examining an old act of parliament, on any idea that its penalties extended to future and necessary contingency. These newly erected chapels, being used for all other religious purposes, marriages were solemnized in them, without any idea of contravening the letter or spirit of the law. All these were, however, shaken. The litigious industry of a country attorney, and disposition of the officers of a parish, at length brought to light the full effect of this clause. It was evidently ridiculous, that the validity of a marriage should depend upon the skill of the parties in the antiquities of the place of celebration. And as the point might become every day more obscure, and more a subject of discussion, the evils, already severely felt, threatened the most alarming and general consequences, in the most delicate and valuable of all political considerations. The first legal decision upon this new question of law, arose upon the calamitous case of a pauper, with a family of eleven children, who being denied a settlement by the parish, notwithstanding an order of the justices in his favour, the matter came into the court of King's Bench; where the judges, though exceedingly contrary to their inclinations and feeling, thought themselves under a necessity of adhering to the letter of the act. This induced Lord Beauchamp to introduce the business in the House of Commons. Accordingly on the 28th of May, he moved "for leave to bring in a bill to remedy certain inconveniences which have arisen by means of the act of the 26th of George II. for the better preventing of clandestine marriages." On this occasion,

Mr. Fox said, that the marriage act was a disgrace to the country and to the statute-book, and he sincerely wished that the legislature would at length open their eyes to the true and plain policy of openness and impartiality in preference to pride and avarice, and abolish those restrictions which oppressed the poor without benefiting the rich. The very object for which the bill had been introduced and passed into a law was defeated; for every body that could pay for a chaise and pair could be married in spite of its provisions. He recommended to the noble lord to make his bill go farther. Perhaps the present proof of the calamity to which it had given birth might operate with the other House, who were the chief advocates for the marriage act, and tempt them to do that now which they had refused before,—to repeal it.

The bill was then brought in and read a first time.

Mr. Fox rose again, and begged of the noble lord to inform him on what day the bill was to be read a second time. He acquainted the House with the reason of this inquiry, which was, that he thought the act now to be explained deserved

their most serious attention. He wished it was possible to recal all the arguments used in support of that very impolitic law, by which the rights of nature were tyrannically circumscribed, and impediments thrown in the way of an institution which every wise legislator should sedulously encourage. When it was predicted by the opposers of it, that its consequence would be the rendering of marriage contracts insecure, and introducing endless litigations between families; it was replied, this is impossible, for every man may look in the act, and see at once what marriages are legal, and what the contrary: the provisions are too plain to admit of different constructions. But how had this been verified? Thousands had been inadvertently betrayed into illegal marriages, and innumerable suits might be instituted to try their validity; so that the peace of individuals would be shaken, and parliament obliged periodically to pass acts, something like those of insolvency, to legalise such nuptials as had improvidently been made. Of this nature was the present bill, and if gentlemen would thoroughly attend to it, they would see at one view the necessity of repealing an absurd statute, the mischiefs resulting from which had been innumerable, while every good consequence the legislature had in view was constantly defeated.

June 7.

On the order of the day for the third reading of Lord Beauchamp's bill,

Mr. Fox rose to offer his opinion on the absurd and improvident act which had given rise to the present bill, and which would, no doubt, give rise to many bills of a similar nature. He reprobated the intentions of the marriage act in very severe terms, and considered the whole as tyrannical and absurd, oppressive and ridiculous. He strongly painted the extreme impolicy and pernicious consequences of restrictions on marriage, considered in an abstract point of view. He pointed out many inconveniences that had resulted from the act of George II., as well to private families, as the public in its aggregate interest; that act, he said, had originated not so much in aristocratic pride, which was the popular idea, as in a low principle of avarice, which made men covetous to augment the wealth of opulent families, by interested alliances, and retain all the riches of the country in a few channels, instead of dispersing them into many, which was evidently more for the public advantage. To this end the most generous passions of the heart were unfeelingly sacrificed, and the laws

of nature violated by parental tyranny; but the means adopted by the legislature had been as defective as the object was absurd; for not only the access to matrimony was made difficult, but, by a retrospective regulation, marriage contracts were made void, the happiness of families disturbed, and innocent persons bastardised, if some trifling formalities were not attended to. Various objections to this effect had frequently been urged against the marriage act on former occasions, and he himself had taken an active, uniform and decided part, in opposition to it, as often as the subject came before parliament; but his opinions had been controverted, and always in the event with success; he might therefore be led to despair of ever overturning this destructive law, did not the bill now under consideration furnish one very cogent argument in his favour, in addition to every thing that had formerly been advanced; for the pernicious effects of the marriage act were now made unquestionable, by the necessity of the explanatory bill which the noble lord had with so much propriety introduced; to this, then, he would briefly call the attention of the House, and here rest his arguments, trusting that gentlemen, who would be convinced by no other species of demonstration, would at least yield to experience.

Here they saw what had been the consequences of innovating on the old-established forms of marriage; infinite difficulties had occurred; the public in general were totally ignorant of those regulations in which the welfare of every family was so deeply concerned; and though the act in question was not only perspicuous in its language, but sufficiently promulgated by being read on a thousand different occasions in all the parish churches; yet so little was it understood, that an infinite number of people had inadvertently formed illicit marriage contracts, and begot an illegitimate offspring. It was not in anywise to be inferred from this, that the legislature had passed the act without proper caution, or omitted any provisions that might render such a measure inoffensive in its operation; on the contrary, it was a matter of astonishment that a statute could be framed for altering the established custom in a matter of such universal moment, without producing more speedy and more fatal ill effects. Had it been drawn with that careless hand which many acts were in the present times, in less than a week after it passed, the bill now before parliament, or some similar one to explain and amend it, would have been found requisite; and perhaps it would have been happier for the public had this actually been the case, for the longer the mischief remained latent, the more pernicious must it in the end be found, and the more incurable. He begged gentlemen calmly to consider what deplora-

ble effects might have resulted to individuals had this defect, which had now been seized on by parochial interest, been discovered by a mercenary man in a question of private property. Suppose only, that where the right to a large landed estate was in controversy, a near relation of the possessor being claimant, had discovered that his opponent's parents were married in one of these new chapels, and grounded his claim on the marriage act, as being the next legitimate heir; in that case he might have defied any court of law in the kingdom to decide against him, and the other unfortunate party must have been consigned to infamy and ruin. Perhaps there might be a man, who would go on the foundations of law, against the principles of honour and the ties of blood, to rob his brother's children of their estates and fortunes, because they might have been the children of a marriage ignorantly consummated, like the present. Perhaps the noble lord then, as now, might bring in a bill for their relief; but in what a distressing dilemma would the House have stood, when a man appeared at their bar, demanding not to be bereft of property to which, by the plain express meaning of the legislature, he was legally entitled! They might consider him, it was true, as an ungenerous and an unfeeling man: his conduct they would justly call dishonourable, but it would be legal: it would be justified by law though condemned by morality; and they must consider him as a man infamously acting under the sanction of an act of parliament.

He was aware, that the propriety of the late decision had been controverted; that some gentlemen of great legal knowledge thought the act erroneously expounded; that, in the expression of "churches, in which nuptials have been usually solemnised," the legislature intended such as might in future acquire a right by usage, as well as those which possessed it at the passing of the act. In answer to this he must observe, first, that, whether just or otherwise, the judgment had effect till removed by some superior court, and that in his opinion it was founded on a true exposition of the act; but admitting, for argument sake, the contrary, still the difficulty, if not equally extensive, would be more perplexing; for it would then become a question, what exact period of time constitutes a legal usage within the meaning of the statute? Those marriages first solemnised in chapels built after passing the act, must indisputably be void; and as to the subsequent ones, the strangest confusion in the world must arise, for of two couple married in the same church to-day and to-morrow, the children of the one might hereafter be deemed bastards, and those of the other legitimate.

One blot in this absurd act of parliament had already been

hit; but who could say how many more were still latent? Some there were, without dispute; for, on his own knowledge, he could mention one case of at least equal hardship with that now under review. The act required that the consent of parents or guardians should be actually obtained and expressed; now, there was a noble family, in which, by this provision, a most disagreeable accident had lately almost happened; and as the mischief had been happily prevented, he might mention it with safety to the parties. A marriage was about to be solemnised, to which there was the fullest approbation of the families on both sides; but the consent of one person, who by the law was entitled to have a voice, by some over-sight had not been expressly given, not that there was any reluctance, but that such a formality was not recollected to be essential; this omission went on till within half an hour of the wedding, and it was then accidentally thought of: now, had the ceremony actually taken place under such an oversight, it would have been illegal, and perhaps, in the second generation, the legitimacy of the issue might have been questioned. Though this was the only instance of the kind within his remembrance, it could not be doubted that a thousand similar ones existed, and that many couples now living in security, with full confidence that they had been legally married, might in fact stand in a most hazardous predicament, both with respect to their own reputation and the interest of their children. He hoped therefore, that in case he could not succeed in procuring a repeal of the marriage act, at least there might be another amendment, making the express previous dissent of parents necessary to disannul the contract, and sustaining all marriages which have been solemnised with only their implied concurrence.

There was also another provision in the act that required explanation, and if the noble lord had not taken notice of it in his bill, the omission should certainly be supplied; for all persons, who had solemnised marriages in any of these new chapels, were at present liable to transportation. Under danger of that penalty stood at present a vast number of clergymen, and some prelates in the Upper House: but as America would not receive them, they must go to the Justitia hulk, which to be sure would be a terrible thing, and he hoped the House would interfere to save these reverend and right reverend gentlemen from so horrid a fate. It was an absolute fact that several, if not all, of the bishops had transgressed in this way, and, by the bye, the House might have the mortification to see bishops in their lawn sleeves, instead of preaching the word, heaving ballast on the Thames.

If after the various inconveniencies that this act had been

found to produce, and the strong arguments that had been so often urged against it, in opposition to which he had never heard a solid one in its favour, it was still thought necessary to endure every mischief rather than suffer that intolerable abuse of women, (who were unquestionably best qualified to judge what husband would please,) the being obliged to obtain the consent of parents or guardians, instead of choosing for themselves, the absurdity of continuing the marriage act would plainly appear from its being wholly ineffectual. All the end which the bill was originally intended to answer was defeated; and he thanked God that it was so, by the friendly interposition of Scotland. The people of Scotland rejected the provision of that law, and were barbarous and uncivilised enough to retain the old maxim, that a woman could choose better for herself than either parent or guardian could choose for her. So that all the intention was lost with respect to the preventing women of high families and large fortune from marrying without the consent of parents; and there was nothing left but the tyranny, the oppression, the calamity, and the absurdity of the act, in its restraining the marriages only of the people, to whom a journey to Scotland might be too expensive or inconvenient.

He confessed, he was under some embarrassment concerning the line of conduct which it would be now proper for him to pursue, for he did not wish to retard the present bill, absolutely necessary as it was to the happiness of thousands; and yet he could not, contentedly, lose so favourable an opportunity of proposing a repeal of the marriage act, to which his enmity had always been irreconcileable. Considering the late period of the session, he would not wish to trouble the House to no purpose, and therefore should be glad to know how the noble lord, not now in his place (Lord North,) stood affected to the proposition; for if that noble lord determined to oppose it, he would despair of success, and would therefore forego his design. He hoped, however, his lordship would at length come into the measure, and therefore wished rather that any other member should move the repeal than himself; for he and the noble lord had such a habit of disagreeing, on almost every subject, that the motion might fare the worse for coming from him. He did not know how it was, but the marriage act had retained its partizans longer than any other measure or political tenet whatever; for among all the intermixtures of party, since its first introduction, the friends or enemies of that act had never changed sides. He had been called its inveterate, hereditary enemy, and he confessed he was; consequently, should an inveterate enemy propose its repeal, its friends would probably take

alarm, and defend it with all their force; from this consideration he should be happy to have the noble lord over the way (Earl Nugent), who had formerly opposed the bill, or any other member, make the motion, which he otherwise must himself trouble the House with.

The bill was read a third time and passed. The House were then very loud in calling out to Mr. Fox to move. He sat for some time to see if any other gentleman would take the matter upon himself; but none rising, Mr. Fox got up, and said, that since no other gentleman seemed inclined to take the matter out of his hands, which, however, he was very sorry for, on the account which he had mentioned, he would now proceed himself; and notwithstanding the objection made on the ground of the noble lord's absence, he would make his motion; for considering the lateness of the season, no time was to be lost, and there would be opportunities enough for opposing the bill in its different stages, when the noble lord would be present. He then moved, "That leave be given to bring in a bill to amend the act of the 26th of George the Second," intituled, 'An act for the better preventing of clandes-'tine marriages.'" Mr. Fox said, that his motion stood to amend, but it was his intention to repeal every part of the act except that which required a register of the marriage. Leave was given to bring in the bill, and Mr. Fox, Sir George Yonge, General Burgoyne, and Earl Nugent, were appointed to prepare and bring in the same. On the 11th of June, Mr. Fox brought in the bill, which was read a first time.

June 15.

The second reading of the bill was opposed by Mr. Ambler, Mr. Yorke, Mr. Jolliffe, and Mr. Burke, and supported by Sir George Yonge, General Burgoyne, Mr. Courtenay, and Earl Nugent. In this stage of the bill it was that,

Mr. Fox rose, and made his celebrated speech in support of his bill. He began with an observation on the ironical arguments that had been urged by Mr. Courtenay against the marriage act. They were not, perhaps, such as he should have chosen to have urged in that House, had he possessed the talents that were necessary for the task. They were, however, such as would shew the House the absurdity of the act, and the necessity of repealing it. The defence that had been set up in favour of the marriage act, was not what could possibly incline the House to support it. The honourable gentleman who had spoken last, (Mr. Jolliffe,) had argued, that the act had not produced the effects to which it was said to be calculated to give rise: no complaints had been made, no inconvenience had been suffered, until the late instance in the court of King's Bench, and for this ill consequence,

a noble lord had provided a remedy. Was this an argument for the continuance of the law? What! because it had been nugatory; because, through the happy absurdity of its intention, it had failed of producing the consequences for which it was designed, it was to be suffered to continue a disgrace to the statute book! If it had taken effect, the honourable gentleman would then, according to his mode of reasoning, have had no objection to its repeal; but because it had done no harm, because it had been ineffectual, because it had been nugatory, it was to be considered as beneficial, or at least as harmless. Mr. Fox placed this in various points of view, and contended that this, which was the only intelligible argument that had been adduced in favour of the bill, ought to instigate the House to a repeal of it; for it was an acknowledgment of its danger, of its impropriety, of its baneful and pernicious tendency, and all that it meant to infer was, that its weakness was greater than its wickedness; that it had not power equal to its will; and that having been conceived in folly, it had ended in disappointment. Why should a statute stand upon the books, whose only defence and whose only merit could be found in its inefficacy? It was a ridiculous and a disgraceful predicament, to which gentlemen were reduced in support of a doctrine that was contrary to the laws of nature and reason.

He had seen three attempts made to repeal this law; one of them he had made himself, and one of them had passed that House to meet its overthrow in another place; and on all these occasions he had never heard one good, one sound argument in favour of the bill. Neither on these occasions, nor on the first introduction of the bill into the House, agreeably to the best of his information, had there ever been an argument advanced in its favour, which ought to have weighed with the legislature for its passing. He believed, as it had been suggested by his honourable friend, that Sir Dudley Ryder, the then Attorney General, did express a wish that he had it in his power to separate the high from the vulgar, and prevent their intermarriage and mixture. * Good

* For the debates on the clandestine marriage bill, in May 1753, see New Parliamentary History of England, vol. 15. p. 1.

"A bill passed in the session of 1753, which met with much opposition. This was the bill for the better preventing clandestine marriages. The fatal consequences of clandestine marriages had been long complained of in England, as rendering the succession to all property insecure and doubtful. Every day produced hearings of the most shocking kind, in the Court of Chancery, and appeals in the House of Peers, concerning the validity of such marriages; and sometimes the innocent offspring were cut off from

Heaven! could any thing be more disgraceful or more contrary to the spirit and excellence of our constitution! It was a ground to which the present friends and supporters of this bill were ashamed to resort. They flew to other refuge, and contented themselves with inapplicable arguments drawn from examples of countries in which there was no analogy to our own, and from which no fair and just conclusion could be drawn. But notwithstanding their new arguments, the fact and the truth was, that the original intention and purpose of the act was, as Sir Dudley Ryder had confessed, to separate persons of high rank and fortune from the mass of the people; and with this infamous design, an act had been made which only affected the lower orders of life; for all its consequences had been defeated in those circles where it was chiefly intended to take effect. Whoever could pay the expence of a post-chaise to Scotland, laughed at and defied the bill. It was only against those who could not afford that expence, that it had operated as a grievance. The learned gentleman who had begun the opposition to his motion, had gone into a train of reasoning which to him was inexplicable. He had confounded the laws of man with the rights of nature,

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succession, though their parents had been married *bonâ fide*, because of the irregularity of such marriage. On the other hand, both women and men of the most infamous characters had opportunities of ruining the sons and daughters of the greatest families in England, by conveniency of marrying in the Fleet, and other unlicensed places; and marrying was now become as much a trade, as any mechanical profession. Some recent instances of these evils, coming before the House of Peers, it was recommended to the judges, by some of the greatest and most serious men in the nation, to prepare and bring in the bill, which they accordingly did; and having received great alterations in that House, it was sent down to the Commons; in which House the most surprizing opposition was spirited up against it. Mr. Pelham was sincerely against the bill, upon principles of private conviction. Others, as warmly opposed it, as being calculated for engrossing all the property in the kingdom amongst great and rich families. The Attorney and Solicitor General had been at great pains to study the matter, and were zealous advocates for the bill, as was Lord Barrington, with several other members of great weight and consideration. Mr. Henry Fox, who was then secretary at war, was as strenuous an enemy to the bill: Mr. Nugent spoke with great warmth and with great abilities against it, as did Mr. Townshend, and many other gentlemen of the ministerial as well as the anti-ministerial party. In short, the opposition to it was such, that during its course through the House of Commons, few clauses in it remained unamended and unaltered, even by the friends of the bill; and Mr. Fox holding it up in the House, as Anthony exposed the murdered body of Cæsar, made a kind of a parody of the speech in Shakespeare upon that occasion. Notwithstanding this, the friends of the bill contended, that the principles of it were the same. It passed by a majority of 125, against 56; and being sent to the Lords, the amendments, after some debates, were agreed to, and it received the royal assent." *(Tindal.)*

and had considered property as a natural right. It was by no means so. It was an artificial right, the creation of human means, perfectly adventitious, and by no means connected with the dignity, the rank, or the happiness of nature. Marriage was, on the contrary, a natural right. He had asserted this on the occasion of his introducing this matter to the House before, and had been contradicted and laughed at for the assertion, but he still maintained, that marriage was a right of nature, to which every creature was in common intitled by the wise laws and dispensations of Providence. This assertion he explained and proved, by saying, that the intercourse of the sexes was a natural right, a right recognized by the laws of the country, and of which they could not be deprived by human institutions. That intercourse was limited by the laws of this, and of every other civilized and christian country, to a state of wedlock.

This, then, being the only legal condition on which the natural right of intercourse could be exercised, he was entitled to say, and after this explanation he trusted he should not be contradicted, that marriage was a natural right. What, then, could the legislature of this, or of any country, conceive in their insolence or in their folly, that they had it in their power to reverse the decree of God, to alter the system of Providence, and to destroy, by a human law, a natural right! For this reason he had always conceived, that this act was one to which the legislature were not competent from their authority, and much less from their capacity. He did not conceive that parliament had it in their power to destroy or to abridge one single right of nature; such was the right of marriage; such was the right of human liberty, for which our constitution had so amply provided. But if they had presumed, at any moment of pride or avarice, to do that for which they were not constituted, the other obstacle had intervened, and defeated the intention as well as the end. This was the obstacle of their incapacity. It had been visible in other instances: it had operated to the advantage of mankind in this. For though the marriage act had been framed with all the ingenuity and all the caution of human skill; though there was no error or defect in any of its provisions, yet it had failed of producing the desired end. Why? For the same reason that all such bills, however subtle, must fail, in which the cunning of man dares to set himself up in opposition to infinite wisdom, and to the eternal laws of God.

But it was said; "this act does not destroy the right of marriage, allowing it to be a natural right, it only suspends the enjoyment of that right for a time: after the age of twenty-one the party is at liberty to enjoy that right, for then he

or she is arrived at the age of judgment and of discretion." The futility of this argument was evident from the recital of it. Was there any such limitation in the laws of nature? Did she point out any period when the human mind might without fear be left to follow its own dictates in the enjoyment of this great right and purpose of their being? After having matured the creature for the enjoyment of the right, did she restrain him for a time from that enjoyment? No; on the contrary, nature pointed out the tyranny of the restriction by the general operation of her system. The age at which the sexes were marriageable was several years sooner than the age of twenty-one, and for several years, therefore, they were deprived of the enjoyment of this natural right. They were deprived of the exercise of it in that season of life most favourable to all the noble and generous inducements of the mind, when with the warm incentives of love and affection the sexes met without those low and sordid views which interest pointed out, and which age and avarice confirmed. The season of youth was the season of passion, when the heart possessed all its feeling and sensibility, untainted by the mercenary considerations which afterwards our commerce with, and knowledge of, the world were likely to inspire. This, then, was the season when connections were likely to be formed between the sexes, which having their origin in mutual passion, were calculated to confer permanent felicity. It was passion and not reason that was the best capable of providing for our happiness in wedlock.

If we were in every great occurrence of our lives, and particularly in this, to wait for the slow decisions of reason and discretion, what must be the consequence? Solitary singlehood and general depopulation! For if men, in a cold and sober mood, were to sit down to calculate all the probable advantages and disadvantages of wedlock, the disgusts and anxieties, and all the tribe of contingencies to which the weakness and vices of the heart so often give birth, how few, how comparatively few, of the human race would venture on the state; for in such a calculation, what were the considerations that would have weight? Similarity of age, gentleness of disposition, and above all, union of hearts? No; these would be secondary considerations, and the primary would be fortune, birth, connections, and splendour. These were the motives that actuated parents and guardians in their negociations for their children and wards, and these were the causes of all the multiplied varieties of connubial misery. It was to him a plain, simple, and positive maxim, that no person, not even a parent, with all the love and tenderness which he might be supposed to possess, and much less a guardian with-

out those ties, could possibly judge so well for a son, a daughter, or a ward, as the person themselves. We were always the best judges of what was most agreeable to our own dispositions, our own wants, and our own desires in life. In that generous season, which was prohibited by law, the young parties were more likely to judge well for themselves than their parents or their guardians. The one would decide from passion, the other would argue from prudence; and in this respect it was, that, as his honourable friend had with truth and beauty expressed it, "the heart of youth was wiser than the head of age."

Philosophers might argue as they pleased for the prevalence of reason; it was however a fact, which neither moralists nor philosophers could deny, that nature had planted passions in the heart of man for the wisest purposes, both of religion and of life; and it was finely calculated in many cases, to subdue and overthrow reason; to rise superior to its slow authority, and to urge the mind to enterprizes, in which there was at once both danger and delight. Dean Swift had a maxim, in the truth of which he agreed as thoroughly as he ever did in any sentiment or axiom whatever. It was, "That there were two passions in the human heart superior to the government and controul of reason, and which were planted there by a particular providence, for the preservation of the species; these were, the love of life, and the love of the sexes." The first was of manifest advantage, for were it not for this principle, wrapped round our hearts, and made part of our being, could we, in moments of agony and despair, resist the influence of reason, and her forcible persuasions to annihilation? This love of life made us bear up against the torrent of disaster, and all the evils with which we were doomed to struggle in this world. The love of the sexes had equal operation on our conduct. It rose superior to all the chilling dictates of prudence, and made us hazard that, which, if we were to consult conveniency, safety, and advantage, perhaps we ought with caution to avoid. These principles, then, were wisely planted in our bosoms for the preservation and the happiness of the species; and no human law could possibly destroy or even diminish them.

But it was said — What! shall the indiscretion of an hour, of a moment, of a rash moment of deluded passion, be the means of fixing permanent misery on an unhappy youth, or an unfortunate female, by an unadvised marriage? To this he should answer in few words, and in very express terms, that such was the provision of nature, that when persons entered into the state of wedlock they were doomed to suffer its hardships or to enjoy its pleasures. It was a consequence

which the legislature of this country could not by its authority prevent. As well might they attempt by power or by art to overcome all the other dispensations of nature. As well might they say, that it was a melancholy consideration that a female, in consequence of one false step, of one indiscretion, should incur penalties of an excrutiating and a permanent kind; that she should be forced to bear about a tedious burthen for nine months, and be subject to all the confinement and pains of pregnancy. True: but it was a law of nature which neither the talents nor the power of man were able to subdue, and which it would be wickedness and presumption to attempt. This was exactly the case in the present instance. The sufferings and enjoyments were the lot of man, and were not to be assumed as a reason for impolitic, unjust, and cruel prohibitions.

Besides, on the principles of whiggism, the marriage act was unjustifiable, and inconsistent with the spirit of our constitution. The spirit of whiggism held and declared it as a doctrine of British privilege, that no subject should be forced to obey a law to which he did not give his consent by himself or his representative. This law however, in contradiction to this avowed principle of liberty, erected an arbitrary authority in the parent and the guardian over the child and the ward. He knew that many virtuous men, who loved and maintained the principles of whiggism, from their mistaken zeal for this act, refused their assent to this argument; and said, that surely an authority might be securely vested in the parent or the guardian, as they must be conceived to be more capable, from superior reason and intelligence, of judging in this important point for the happiness of those intrusted to their love and care. This was an argument which would certainly apply with as much justice and weight to despotism as to parental authority. It was the argument constantly made use of by tyrants to justify their power. "Why do you attempt to deny me power and despotic sway?" says the king of France, or any other unlimited monarch, "assuredly I will exercise it for your benefit. What! shall ploughmen be left to deliberate and decide on what is best for them? Shall labourers—shall mechanics—shall the lowest and most ignorant of the people be permitted to judge of government? No, they know not what is good for them; place despotic authority in my hands, you may place it with confidence, as it will be exercised with moderation, and you may also be assured, that it will be held and employed only for your good." This was always the delusive and the weak plea for despoti m. And what was the answer of those who stood up for the elevation of the species on the basis of just government and

common liberty? "No; every man, even the lowest and the most ignorant labourer and mechanic, knows best what is good for him to enjoy, and what is painful for him to suffer. No man can contrive his happiness and his comfort so well as himself, and therefore he will submit to no law in which he has not a voice, either by himself or by his representative." This was the true doctrine of whiggism, and it applied as fully and effectually in this case, as it did in that of civil government. But it was immediately said, "What! would you permit a boy of fourteen, and a girl of twelve years of age to judge for themselves? Would you suffer them to yield to the hasty emotions of desire, and marry without the consent of their parents?" In all this stile and train of reasoning, there was the most palpable deception. People argued on this ground, as if there was no interval or intermediate space between the age of fourteen and that of twenty-one. By this they endeavoured to divert the mind from the true consideration of the question. If parliament in their wisdom thought it fit that there should be a limitation, let them, in the settling of that restriction, consult the decorum of nature, and take her example for their guide. Let them from observation and experience affix to the right of marriage the period which the general mother of mankind points out for its enjoyment, and not suspend it for seven or eight of the most valuable years in the life of man. He had framed his bill indeed, without any limitation in this respect; because, being forced himself to undertake the task, he was under the necessity of framing it agreeably to his own inclinations and sentiments on the subject; but though he thought that there should be no restriction whatever as to the time of marriage, he was not so bigotted to his opinion on this point as to resist the sense of the House, and would be ready to hear the opinions of gentlemen on this topic.

But there was another argument against this restriction, which, in his opinion, was of a very strong nature, and with which he could not by any means reconcile the conduct of the legislature in passing the marriage act. The established religion of the land, the religion which they all respected and professed, that of protestantism, did not admit of celibacy in any degree. It denied marriage to no human being, but considered it as a divine institution for the wisest purposes, which ought to be encouraged, not retarded by the laws of society. Could the legislature then, agreeably to the solemn constitution under which they had their authority, consistent with the oaths which they had taken, and with every obligation, moral and political, could they presume to alter or to innovate the religion of the kingdom? Could

they graft the inconvenient branches of popery on the trunk of protestantism? No. The religion of the land in all its parts was sacred, and they had it not in their power to deprive their fellow-subjects of one right enjoyed under the dispensations of that religion. What did the marriage act do? It established celibacy for a considerable part, and that too, as he had said, the most valuable part of the life of man, unless he should submit to authority inconsistent with human freedom and with British rights. Celibacy even for a time, when enjoined by arbitrary mandate, was contrary to our religion; the wise and the pure policy of which was to invite the species to matrimony, as the most expedient and the happiest means of intercourse in society and of population on the earth. It wisely foresaw that no human institutes could possibly counteract the great purposes of nature, and seeing that the love of the sexes would promote their intercourse, it wisely and properly appointed the ceremony of marriage, and it confined it to no description of persons, but extended it freely and fully to all. It was his sincere opinion, that the population which took place in the world without marriage was inconvenient to a country, and never answered the purposes of general increase. The reasons were obvious to every common observer; and, in a stile of the descriptive, which we are not able to imitate nor to report, he drew, and exhibited a couple in a state of connubial industry and felicity, and again the same couple in a state of illicit debauchery and misery. The comparison had all the beauties of truth and all the energies of eloquence.

In that generous season, said he, which this marriage act labours and intends to blast, a young man, a farmer, or an artisan, becomes enamoured of a female, possessing, like himself, all the honest and warm affections of the heart. They have youth, they have virtue, they have tenderness, they have love—but they have not fortune. Prudence, with her cold train of associates, points out a variety of obstacles to their union, but passion surmounts them all, and the couple are wedded. What are the consequences? happy to themselves and favourable to their country. Their love is the sweetner of domestic life. Their prospect of a rising family becomes an incentive to industry. Their natural cares and their toils are softened by the extacy of affording protection and nourishment to their children. The husband feels the inticement in so powerful a degree, that he sees and knows the benefit of his application. Every hour that he works brings new accommodations to his young family. By labouring this day, he supplies one want, by labouring another, he imparts one conveniency or one comfort; and thus,

from day to day, and week to week, he is roused into activity by the most endearing of all human motives. The wife again, instigated by the same desires, makes his house comfortable, and his hours of repose happy. She employs what he earns with economy, and while he is providing food and raiment for his children, she is busied in the maternal cultivation of their minds, or the laudable exertion of their young hands in useful labour. Thus while they secure to themselves the most sober and tranquil felicity, they become, by their marriage, amiable, active, and virtuous members of society.

View the same couple in another light. Bound together in heart by the most ardent desires, and incited by their passion to marry without having any great prospect before them, their parents intervene; they are not arrived at the age of twenty-one; under the authority of the marriage act, their parents prevent their marriage. They restrain them from committing, agreeably to this law, the crime of matrimony without their consent.

"Sed metuere patres quod non potuisse vetari."

They may restrain them from marriage, but they have it not in their power to prevent their intercourse. The couple, restrained in their desire of marriage, with a transition as natural as it is easy, give way to their inclinations, and a connection ensues, in which there is more of indiscretion than of guilt. What are the consequences? Enjoyment satiates the man, and ruins the woman; she becomes pregnant; he, prosecuted by the parish for the maintenance of the child, is initiated in a course of unsettled pursuits and of licentious gratifications. Having no incitement to industry, he loses the disposition, and he either flies the place of his residence, to avoid the expence of the child, or he remains the corrupter and disgrace of his neighbourhood. The unhappy female, after suffering all the contemptuous reproach of relations and all the exulting censure of female acquaintances, is turned out of doors, and doomed to struggle with all the ills and difficulties of a strange and a severe world. The miserable wanderer comes to London, and here, after waiting, perhaps, in vain to procure some hospitable service, in which she might be able to retrieve or conceal her misfortune, she is forced, much oftener by necessity than inclination, to join that unfortunate description of women, who seek a precarious subsistence in the gratification of loose desire. Good God! what are the miseries that she is not to undergo! what are the evils that do not result to society! but above all, what must be the consolation of that legislature, who, from pride

and avarice, are mean enough to inflict such misfortunes on their country!

The honourable gentleman said, that these observations went chiefly to that part of the act, which prohibited persons from marrying before the age of twenty-one, without the consent of parents or guardians. He had very determined objections to this clause; but it was not the part to which he principally objected. The nullity was the abominable part of the bill, to which he could never by any means be reconciled. In a variety of the most forcible arguments, he shewed the fatal consequences that must result from this provision. The inconveniencies and calamities that must be felt by families, in the loss of reputation and of fortune, he had pointed out on a former day. He had shewn, that, under the profligate cruelty of this law, the unhappy children of marriages not solemnised agreeably to all the restrictions of this law, might be disturbed in their succession, and bastardised by a decision of the courts of Westminster, years, or perhaps, generations, after the time. In the law of inheritance, a prescriptive possession for sixty years quieted all other claims; but here there was no prescription, and consequently there would and could be no security. After a family had been in the unmolested possession of an estate for 500 years (and at some time the act will have lasted so long), a flaw may be traced in the ceremony of an ancient marriage, and, though generations have intervened, the possessors may be driven from the estate. This was an evil of the most serious magnitude, against which the legislature could not too carefully provide. Even those great families of the aristocracy, who were induced from pride and avarice to make and support this act, might one day be brought to feel the danger of counteracting the dispensations of nature, by suffering the consequences.

The greatest argument that had ever been advanced in favour of this nullity was, that indiscreet young men and women should not be doomed to suffer, to the end of their lives, the consequences of one hasty act of passion. Then, examining the law on this ground, what did it do? It provided relief for the consequences of one passion of the most amiable nature, the passion of love; but it removed the possibility of conquering the effects, or of atoning for the rashness of other passions, the base passions of pride, anger, and avarice. A young couple, not yet arrived at the age of twenty-one, induced by the strong, virtuous, and generous passion of love, marry without the consent of their parents. The parents, who have other ideas of happiness than those which are centered in love, are inflamed with mean and mer-

cenary resentment, and in the violence of this bad passion, they procure the marriage to be declared null and void. The young couple, happy in themselves, overlook the disappointment of fortune, and amidst a beautiful progeny, doomed though they are to the shame and the penury of bastardy, experience all the delights which a marriage of the heart is calculated to bestow. But what is the fate of the miserable misguided parents? Their resentment having given way to time, their passions of pride, avarice, and anger, having softened into parental tenderness and forgiving contrition; seeing their children happy, and surrounded by a numerous offspring, they relent, and are anxious to undo what they have done,—but in vain; in one rash, violent fit of passion, they have made the marriage null and void, and bastardised the issue, and now no human power can make them otherwise. They may repent, but they cannot atone for their guilt. They may die with the miserable reflection, that by their unfeeling conduct their children's children will be deprived of their just rights, but they cannot live to prevent it, or to make them amends. Such, then, has been the wise foresight and the generous guardianship of parliament; they have provided a remedy for the indiscreet exercise of an amiable passion, but they have taken care to prevent the possibility of remedying or of atoning for the rash and unjust violence of a bad passion. The errors of the son are to be suffered for a day; the guilt of the parent is to endure for ever.

The honourable gentleman dwelt with great energy on several of the calamities to be suffered by this provision of rendering the marriage null and void, and said that there was no alleviation of the consequences to be procured, nor any remedy, as the act now stood. He particularly adverted again to the argument urged by Mr. Ambler, that property was a natural right, and ought to be considered in settling an union between the sexes. He abhorred the idea of making property a consideration in wedlock, and of assuming artificial distinctions in this respect as an obstacle and objection to union. He mentioned the recent case of a right honourable couple which had come before the lord chancellor (he meant the case of Lord William Gordon and the Honourable Miss Irwin); when that decision was made, he confessed he was at first tempted, notwithstanding the reverence which he had for his eminent abilities and integrity, to blame him for the doctrine which he held, but he was taught to consider the decision, which he made, as the result of the act. He was not the guardian of the lady; there was only vested in him, by means of this act, a sort of guardianship with respect to

the property of the lady. The example served, however, to convince him of the extreme absurdity of such a mode of deciding on the propriety and impropriety of an union. That a person, whose habits and employment in life, chiefly confined as they were to Chancery suits, should be appointed as the arbiter of matrimony, and that men and women should be brought before him, that it might be argued and debated whether 900*l.* a year was a proper match for 1,500*l.* a year; and whether 500*l.* a year on the one side, and 700*l.* a year on the other, with some advantages on this side, and some disadvantages on that side, were fit matches for each other; and that these should or ought to be considerations for preventing the alliance of two rational beings, whose happiness was to consist in their attachment to each other in the mind, and not in their casual situation with respect to fortune, was to him the most absurd and the most ridiculous doctrine that could possibly be imagined. He fully believed that the lord chancellor (Lord Thurlow) had upon that occasion done his duty in following the dictates of the law in the case he had mentioned; but it was an argument which ought to convince the House that such a power ought not to be established, since in fact it went to make marriage a mere matter of calculation, which a grave, rigid lawyer, who, having gained the bench of a court of law, may be supposed to have got the better of the passions and sensibilities of love, might decide with truth and accuracy. He wished to rescue matrimony from the disgrace of being a scheme of traffic, and to restore it to its just dignity, nature, and end,—an alliance of love, of sentiment, and of sympathy.

He took notice of a circumstance which he had forgot to mention before; but though it was out of place, it would not be out of season; and that was, that when guardians stood up in opposition to the marriage of their wards with the men of their hearts, they generally did it from motives of personal interest, and seldom failed of producing the purposes which they had in view; for, by preventing their marriage, they generally induced them to wed some friend or relation of their own, for the sake of their fortune, to the ruin, perhaps, of their peace and tranquillity for life. The honourable gentleman, after many other arguments of the most admirable nature, came to a conclusion, and said, that, being unwillingly made the person to whom the task was committed of introducing this bill into the House, he had framed it, agreeably to his own desires, which were undoubtedly for the total repeal of every part of the marriage act, except the register. But as he knew well the force and effects of prejudice on the human mind, that in time it became a part

of our nature, and was too powerful either for the force of reason or of truth to overcome, he was willing to abate a great deal of what was proper, in order to secure what was practicable. He wished to hear the sentiments of gentlemen on the subject; to receive their assistance; to be instructed how it might be modified in such a manner as to conciliate itself to the severe prejudices of the other House, that at least a part, if not the whole, of the evils, might be overcome. He was particularly anxious to take away the nullity. If that could be effected, which was the most material in its consequences, he should not be so strict and eager about the period of limitation. At the same time he declared, that if he failed, he should not despair; he would watch times and seasons, and he pledged himself that if ever he observed a moment favourable for the repeal of the act he would embrace it, in the persuasion that the parliament of this country could not long remain so absurd or so ignorant as to give their support to such a law.

The question being put, that the bill be read a second time, the House divided;

	Tellers.			*Tellers.*	
YEAS	Mr. Fox Lord Mahon	90.	NOES	Mr. Jolliffe Mr. Ambler	27.

So it was resolved in the affirmative.

June 20.

In the committee on the bill, Mr. Fox moved a clause, by which persons were declared marriageable without the consent of parents and guardians, at the ages, the woman of sixteen, and the man of eighteen, and that all marriages solemnized at an earlier age of each of the parties should be null and void. He said his own opinion was so strong against fixing the age so high, and in favour of fixing it much earlier, that he could not divide in support of his own motion, should the sense of the committee be taken upon it, but that he bowed to the prejudices of mankind; and merely from a hope that by paying so much respect to them he should secure the safety of his bill, he had consented to introduce the clause. Lord Mahon said he would move as an amendment, to alter the ages to eighteen the woman, and twenty-one the man. Mr. Dunning said, he should vote both against the clause and the amendment, because he thought them both wrong. He was for suffering young women to marry at fifteen, declaring that they were as ripe for marriage then as at a more advanced age. Mr. Fox shewed his learned friend that, according to his clause, it was those only who married without consent of guardians that were to be restrained till the man was eighteen and the girl sixteen. Under the marriage-act, young folks marrying with consent of parents and guardians might marry as early as his learned friend wished. He

said farther, that it was to rescue the young ladies from the influence and tyranny of guardians and parents that he chiefly wished to introduce this clause. If the committee would agree that young ladies might be marriageable at an earlier age, he had no objection to enact that the young men should wait longer. At length the committee divided: for Mr. Fox's motion 36: for Lord Mahon's amendment 7.

June 27.

On the order of the day for the third reading of the bill, Sir William Dolben said, that though he was an enemy to the marriage act, and considered the restrictions laid upon the sexes as exceedingly unadvised and detrimental, yet he was afraid that the House was now going too far. If the marriage act was too severe, the present bill was too loose, and gave more liberty than persons of the green age stated in the clauses, ought to be indulged with. The consequences would be precipitancy of marriage, and all the train of licentious evils arising therefrom. Lord North thought the marriage act had produced the most beneficial consequences. In respect to the clause which limited the age of the sexes, the women to sixteen, and the men to eighteen, he saw no reason whatever for it; and thought, if the marriage act was to be affected with regard to the particular clause of age, it would be better to repeal the clause altogether, than to cut off three years of the time limited by the law as it now stood.

Mr. Fox said, that the objections he had heard stated that day were so perfectly new, that he could not be silent, but must say a word or two in answer to what had been thrown out, both by the honourable baronet behind him, and the noble lord in the blue ribbon. And first, he could not but observe, that it was a little extraordinary that the gentlemen should have reserved their objections till the present moment. Various opportunities had offered for opposing the bill; but in all the debates that had occurred upon the subject, neither the noble lord, nor the honourable baronet, had thought proper to use one of those arguments which the House had just heard. The honourable baronet had been pleased to attack his bill, by saying, that the clause which allowed of early marriages would encourage licentiousness. This he could not but consider as a very singular objection; early marriages might be liable to objection on the score of impropriety or imprudence, or indeed on any other score than that which the honourable baronet had thought proper to mention; for undoubtedly, if he had looked the dictionary through, he could not have picked out a word that was so little applicable to a clause encouraging early marriage, as the word licentious. With regard to what the noble lord had said on

the ground of the clause, which limited the age of persons capable of marriage to sixteen and eighteen, he was ready to agree, that it would have been better to have made no limitation whatever, but to have repealed the clause in the marriage act altogether. That had ever been his opinion, but in deference to the judgment of other persons, he had consented to the limitation as it now stood. The noble lord had talked of the good effects of the marriage act; he would not say but there might have been occassion for some regulation respecting those marriage shops which were so common in every part of London when that act passed, but then, considering the act altogether, he was confident there never was an act more offensive to general liberty, more inimical to population, nor more odiously aristocratical. It had been made an argument, that the marriage act had been effectual, and this argument had even been insisted on in the present session, when a bill was pending in the other House to remedy an evil arising under the marriage act, and which that act, it was notorious, had been found incapable of preventing. It was evident, from that instance, that the marriage act was ineffectual; and what was the purpose of the bill at that time in the other House? It was merely this; the marriage act having been proved incapable of its intended operation to prevent doubtful marriages, that bill wisely took away its other and more odious power, the power of punishment where doubtful marriages had taken place. The marriage act, therefore, was no longer to be boasted of as an adequate preventive. It had been found to be ineffectual in its best and most just object, and what he wanted by his bill was, to take away its worst object, that of inflicting merciless punishment. As the act now stood, the law respecting marriage in Great Britain contradicted the religion of the country. The marriage act was totally inconsonant with the genius of the people, and was opposite to every principle of our constitution. He wished therefore to make the law of marriage conformable to our religion, and to remove those fetters, which an arbitrary, unnatural, and aristocratical statute had imposed on the minds of the youth of both sexes. The noble lord had said, that marriage was still free in Scotland, and that marriages there solemnized could not be said to be precipitate marriages, or marriages not sufficiently considered; surely the noble lord forgot, that when they talked of Scotland, they must consider it as it stood relatively with regard to the geography of all England. Though it must necessarily take some time to go from London or Middlesex to Scotland, certainly the case was otherwise with regard to the counties of Cumberland and Northumberland, and the persons resident therein. After arguing this for some

time, he said the marriage act was not merely odious in his eyes, but odious in the eyes of the bulk of the people without doors. It ever had been so, and it was impossible it should be otherwise; on the present occasion, he flattered himself, he should divide with a majority against the noble lord's opinion, and that for this reason; the House rarely failed to speak the sense of the people at large, whenever a question came before them upon which they could vote freely, and where none of those considerations mixed in the business, which were supposed to influence men's minds on points where politics interfered.

The question being put, that the bill be read a third time, the House divided:

	Tellers.			*Tellers.*	
YEAS	Mr. Fox, General Burgoyne	75.	NOES	Mr. Ord, Mr. Macdonald	43.

The bill was then read a third time and passed; and Mr. Fox was ordered to carry it up to the Lords. On the 12th of July the bill was rejected by the Lords, on the motion for the second reading.

MR. FOX'S AMENDMENT TO THE ADDRESS OF THANKS ON THE KING'S SPEECH AT THE OPENING OF THE SESSION.

November 27.

THE King opened the session with the following speech:

"My Lords, and Gentlemen,—When I last met you in parliament, I acquainted you with the arduous situation of public affairs at that time; and I represented to you the objects which I had in view, and the resolution with which I was determined to persevere in the defence of my dominions against the combined power of my enemies, until such a pacification could be made as might consist with the honour of my crown, and the permanent interest and security of my people. The war is still unhappily prolonged by that restless ambition which first excited our enemies to commence it, and which still continues to disappoint my earnest desire and diligent exertion to restore the public tranquillity: but I should not answer the trust committed to the sovereign of a free people, nor make a suitable return to my subjects for their constant, zealous, and affectionate attachment to my person, family, and government, if I consented to sacrifice, either to my own desire of peace, or to their temporary ease and relief, those essential rights and permanent interests, upon the maintenance and preservation of which, the future strength and

security of this country must ever principally depend. The favourable appearance of our affairs in the East Indies, and the safe and prosperous arrival of the numerous commercial fleets of my kingdoms, must have given you satisfaction; but in the course of this year, my assiduous endeavours to guard the extensive dominions of my crown have not been attended with success equal to the justice and uprightness of my views; and it is with great concern that I inform you, that the events of war have been very unfortunate to my arms in Virginia, having ended in the loss of my forces in that province. No endeavours have been wanting on my part to extinguish that spirit of rebellion which our enemies have found means to foment and maintain in the colonies, and to restore to my deluded subjects in America that happy and prosperous condition which they formerly derived from a due obedience to the laws; but the late misfortune in that quarter calls loudly for your firm concurrence and assistance, to frustrate the designs of our enemies, equally prejudicial to the real interests of America, and to those of Great Britain. In the last session you made a considerable progress in your enquiries into the state and condition of our dominions and revenues in the East Indies:—You will, I am persuaded, resume the prosecution of that important deliberation with the same spirit and temper in which it was begun, and proceed with the same attention and anxiety to consider how those remote provinces may be held and governed with the greatest security and advantage to this country, and by what means the happiness of the native inhabitants may be best promoted.

"Gentlemen of the House of Commons; I will order the estimates for the ensuing year to be laid before you. I rely on your wisdom and public spirit for such supplies as the circumstances of our affairs shall be found to require. Among the many ill consequences which attend the continuation of the present war, I most sincerely regret the additional burthens which it must unavoidably bring upon my faithful subjects.

"My Lords, and Gentlemen; In the prosecution of this great and important contest in which we are engaged, I retain a firm confidence in the protection of Divine Providence, and a perfect conviction of the justice of my cause; and I have no doubt but that, by the concurrence and support of my parliament, by the valour of my fleets and armies, and by a vigorous, animated, and united exertion of the faculties and resources of my people, I shall be enabled to restore the blessings of a safe and honourable peace to all my dominions."

An address, framed in the usual manner, was moved by Mr. Perceval (the present Lord Arden), and seconded by Mr. T. Ord. After which,

Mr. Fox rose, and in a speech of considerable length, entered with his usual ability and success into the merits of the important question, of continuing or abandoning the American war. He said, that he rose to move an amendment to the address, for the same reason that the honourable

gentlemen had risen to propose and second it. The task had been assigned to them because they were young men, and young members of that House. There was a favour about youth which recommended its actions; but there was more than the favour of youth requisite to give grace to the motion for an address to the throne on the present occasion; it required the benefit of inexperience, the recommendation of ignorance; for what man, who had observed the conduct of ministers for the last two parliaments, who had been members of that House, and had had opportunities of knowing the measures of government, could have been brought by any means to disgrace himself by the motion? The most servile or the most profligate adherent of ministry, however he might have gained a seat in that House, or however submissive he might have been rendered by pension or place (and that there were such members was but too true), could not have been brought to move for this address, if he had been for any time a member. It was therefore with prudence assigned to the present gentlemen, because they were fortunately unacquainted with what had been seen and executed in that House. He was ready to do justice to the discernment of ministers in this respect: but for the same reason that they had moved and seconded the address, he now rose to propose the amendment. Though he was a young man, he could not be called a young member of that House. He had been present and seen the whole system of his majesty's ministers; had heard their progressive madness, impolicy, or treachery; and he was now confounded at their presuming to look the Commons' House of parliament in the face, much more to sit and hear such an address to the throne moved for at such a juncture. That they should dare to bring down such a speech after what they had done, was to him a subject of astonishment, nay, a subject of horror. It shewed that they were divested of all modesty as well as principle, and that they had formed the dreadful resolution of going on to the last act of the tragedy, and completing the ruin which they had so successfully begun.

There never was any moment when it was so necessary for him to take notice that the speech from the throne was not to be considered as the speech of the King, but of his ministers. The present was the most extraordinary that he had ever known. He must pause a while on the audacity of ministers (for he could give it no gentler term), in putting such language into the mouth of the sovereign. If men were unacquainted with the nature of our constitution, and knew that the speech was contrived by a cabinet-council, what would they pronounce the present speech from the throne to

be?—What! but that it was the speech of some arbitrary, despotic, hard-hearted, and unfeeling monarch, who, having involved the slaves, his subjects, in a ruinous and unnatural war, to glut his enmity or to satiate his revenge, was determined to persevere in spite of calamity, and even of fate: That it was the speech of a monarch incapable of feeling his own misfortunes, or of sympathizing with the sorrows of his people, when the high prerogative of his despotic will was disputed; for despotic monarchs were the most tenacious of their rights, as they called them, and allowed nothing to the feelings or to the comforts of their fellow-creatures. The speech spoke out a bold and sanguine language, and he was glad of it. It was better that the people should know what they were to expect, and what to suffer, than that an insidious air of lenient intentions should cover and conceal the same dreadful plan. But he called upon every honest man in the House to say if it was not his firm dependence and trust to have heard a very different speech on that day. He would refer it to the candid feelings of every man in the House. He had not been many days in town, but he had been long enough to hear and collect the opinions of men, and he declared that it was the general sentiment, that we should have heard his majesty, on that day, declare from the throne, "that he had been deceived and imposed upon by misinformation and misrepresentation; that, in consequence of his delusion, the parliament had been deluded, but that now the deception was at an end. He saw that he had been in an error, and that he and his people had suffered enough from the consequences of it. That, therefore, he requested of his parliament to devise the most speedy and direct means of putting an end to the calamities, and restoring peace, security, and happiness to his dominions." He said, that this was the general opinion; but instead of this, they had heard a speech, breathing vengeance, blood, misery, and rancour. It spoke exactly this language: "Much has been lost; much blood, much treasure, has been squandered; the burthens of my people are almost intolerable; but my passions are yet ungratified, my object of subjugation and of revenge is yet unfulfilled, and therefore I am determined to persevere." This was the language; and for this language ministers were answerable: the men who had brought us to our present situation, and reduced us from the splendor and the strength and the happiness which we enjoyed, to the disgrace, the weakness, and the danger into which we stood at present, yet dared to come forward, and tell the representatives of the people of England, that they were not yet satisfied; that they had not yet done enough; that they determined to persevere

in the American war, and to spend more of the treasure, and lavish more of the blood of these very people, although there was a general clamour against it, and out of that House the loudest disapprobation was expressed, and the most direct condemnation of the system.

There was one thing which he must take notice of: the honourable gentleman who had made the motion had been unadvised. He had lavished part of that oratory in an attack which was all necessary to defence. He advised him to husband his abilities, and reserve them all for the defence of the ministry below him, rather than waste them in attacking the opposition. He had charged them with expressing joy at the triumphs of America. It would have been becoming in him to have had one quality of youth, candour, on the occasion, and to have stated fairly what he chose to represent. It was true he had said in a former session, that it was his sincere opinion that if the ministry had succeeded in their first scheme on the liberties of America, the liberties of this country would have been at an end; and thinking this (as he did) in the sincerity of an honest heart, he was pleased with the resistance which they had met to their attempt. If the honourable gentleman had thought the same thing, if he had joined him in the opinion, that ministry, had they succeeded in their first attack upon America, would afterwards have succeeded in an attack upon Britain; he no doubt would have wished success to American resistance; at least if he had been an honest man, he would. This was his opinion, it had always been so; he might be wrong, but he from his heart believed it; and he called upon the honourable gentleman, when he next mentioned the assertion, to take notice also, as in candour he ought, of the opinion that accompanied it. That great and glorious statesman, whose memory every gentleman would revere, the late Earl of Chatham, entertained this opinion in the very commencement of the dispute; and feeling for the liberties of his native country, thanked God that America had resisted the claims of this country. But "all the calamities were to be ascribed to the wishes, and the joy, and the speeches of opposition." Oh miserable and unfortunate ministry! Oh blind and incapable men! whose measures are framed with so little foresight, and executed with so little firmness, that they not only crumble to pieces, but bring on the ruin of their country, merely because one rash, weak, or wicked man in the House of Commons makes a speech against them! Oh, what miserable statesmen must these be, who frame their measures in so weak and wretched a manner as to make no provision for the contingencies of fortune, nor for the rash

passions — say, if it pleases the House, the wicked passions of men! Could they expect that there would be no rash, no weak, no wicked men in this kingdom; or were they so rash, so weak, and so wicked, as to contrive measures of such a texture that the intervention of any unforeseen circumstance broke them to pieces, and with their failure destroyed the empire of which they had the government! It was said against administration, that they had no responsibility. People desired to know who was the minister, and who was answerable for the iniquitous measures of government. The ministry felt the difficulty of the question, and hesitated a long time in the answer; but at last, having found out an expedient, they exclaimed in triumph, "Oh, yes, responsibility! to be sure there must be responsibility! there are persons accountable to the people for the measures of government." Who are they? "The persons," reply the ministry, "are responsible, who have always opposed our measures." This was the strange and the ridiculous manner in which they argued, and endeavoured to shuffle themselves out of that responsibility which they knew to be so dangerous. If they had succeeded, they would have taken all the credit and all the praise to themselves; but because they have failed, they throw the blame upon those men who endeavoured to prevent the calamities by stopping the cause; they throw it upon the men who saw them in their career to a dreadful precipice, determined to throw themselves from the immeasurable height, careless of the death that must ensue from dashing on the rocks and plunging into the sea below, and who endeavoured in vain to stop them in this mad intent. They seized us upon the brink, say ministry, and by their efforts to stop us, prevented us from taking the glorious leap which we had intended: if they had suffered us to dash into the abyss without molestation, then we should have been happy. When this sort of language was held, he had always treated it with silent ridicule; and if he had now given it any serious reception, he begged the House to pardon him. It was unintentionally if he had, for it merited nothing but ridicule and contempt.

The honourable gentleman who had seconded the motion, said, that "the House had impatiently heard narratives of the American war, and of the measures that had led to it, and he trusted that there would be no more retrospective censure in the present moment." Impatiently! Had the House heard them impatiently! Ministers must bear to hear them again, and on that day they must hear them; that was the day when the representatives of the people must re-call to the ears of his majesty's ministers the disgraceful

and ruinous measures that had brought us to this state. They must hear of them not only here, but he trusted that, by the aroused indignation and vengeance of an injured and undone people, they must hear of them at the tribunal of justice, and expiate them on the public scaffold. He saw a learned gentleman smile at the word scaffold. [Mr. Dundas, the lord advocate of Scotland.] What! did not the learned gentleman think that it was yet time for punishment? Had they not in his imagination done enough, or had they more calamities to inflict, more negligence to exemplify, or rather more treachery to complete? What was the learned gentleman's opinion? When did he think the fit moment would arrive, when suffering would be supineness, and retribution be just? It was his opinion that the day was now approaching, that it was at hand, when the public would no longer submit, nor the ministry escape. Their conduct was unprecedented in any age or in any history; it beggared the records of nations: for in all the annals of kingdoms ruined by weakness or by treachery, there was not an instance so glaring as the present, of a country ruined by a set of men, without the confidence, the love, or the opinion of the people, and who yet remained secure amidst the storms of public disaster. The honourable gentleman who had seconded the motion, had called for unanimity. He demanded to know if they meant to insult that side of the House when they asked for unanimity, and designed to continue the American war? They had opposed it from its commencement; they had opposed it in all its progress; they had warned, supplicated, and threatened; they had predicted every event, and in no one instance had they failed in predicting the fatal consequences that had ensued from their obstinacy or from their treason. If in a moment like the present, a moment of impending ruin, men who loved their country could have any comfort, he confessed he must feel it as a comfort and consolation, that when the history of this dreadful period should come to be written by a candid and impartial hand, he must proclaim to posterity, that the friends with whom he had the honour to act were not to be charged with the calamities of the system. In justice to them he must declare, that they did all that men could do to avert the evils, to direct them to a more safe and honourable track, but they had failed in their anxious endeavours to save their country. Thus much at least the historian would say, and thus would they be exempted from sharing the condemnation, though they now suffered the calamity in common with the rest of their unhappy fellow-subjects.

The honourable gentleman had told us, that we must not despond; and at the same time he had given us a picture of our situation, which he confessed to be more serious than pleasing. He talked hope to the ear, but he had spoken despondency to the heart. This was his serious picture, and a most serious one it was. You are now suffering these things from measures the most wise, the most prudent, the most necessary, executed with firmness and with foresight, and in a cause the most just and upright. Was it so? Then how much farther distant from despondency was the picture which he would give than this serious, but not desponding, picture of the honourable gentleman. I cannot, said Mr. Fox, express my sentiments of the situation of this country better than by applying to it the address of the celebrated orator, Demosthenes, to the Athenians. "I should," says he, "deject and despair, I should consider your situation as desolate and irreparable, if I did not reflect that you have been brought to this state by weak and improvident measures, and by weak and treacherous men. If your affairs had been managed wisely, if your operations had been firm and steady, and after all you had been reduced to this situation, I should have indeed despaired of deliverance; but as you have been reduced by weak and by bad men, I trust you may be recovered by wise and by upright governors. Change your system and you may yet flourish; persevere, and you must be ruined." This was exactly his opinion of the present situation of this country: If their cause had been just and virtuous, if their measures had been wise and vigorous, if their ministers had been capable and zealous, and after all we had been brought to our present situation, he should have despaired of deliverance; but as it was there were yet hopes, by substituting a just and a virtuous system in lieu of the present oppressive and disgraceful one, by substituting wise and vigorous measures in room of the present ridiculous and impotent schemes, by substituting activity and zeal in the place of indolence and treachery, and by changing in short the whole plan and conduct of government. His motive for this advice was not that he wished to succeed to those places of trust; he sincerely wished their present possessors good of them; they had rendered the offices of trust and power most unenviable to men who loved their honour, and whose only object in accepting them would be to promote the splendour, the security, and the happiness of this country. Let them, in the name of Heaven, enjoy the emoluments for which they have lavished so much; and if our ruin must be accomplished, let it be compleated by the same baneful hands!

The honourable gentleman exhibited two pictures of this country; the one representing her at the end of the last glorious war, the other at the present moment. At the end of the last war this country was raised to a most dazzling height of splendour and respect. The French marine was in a manner annihilated, the Spanish rendered contemptible; the French were driven from America; new sources of commerce were opened, the old enlarged; our influence extended to a predominance in Europe, our empire of the ocean established and acknowledged, and our trade filling the ports and harbours of the wondering and admiring world. Now mark the degradation and the change. We have lost thirteen provinces of America; we have lost several of our Islands, and the rest are in danger; we have lost the empire of the sea; we have lost our respect abroad and our unanimity at home; the nations have forsaken us, they see us distracted and obstinate, and they leave us to our fate. Country! "This *was* your husband; this *is* your husband." This *was* your situation, when you were governed by Whig ministers and by Whig measures, when you were warmed and instigated by a just and a laudable cause, when you were united and impelled by the confidence which you had in your ministers, and when they again were strengthened and emboldened by your ardour and enthusiasm. This *is* your situation, when you are under the conduct of Tory ministers and a Tory system, when you are disunited, disheartened, and have neither confidence in your ministers nor union among yourselves; when your cause is unjust and your conductors are either impotent or treacherous.

He said, that he should not go into a minute detail of the transactions of ministers in the progress of this accursed war, but only trace them through the leading features, which would shew the plan and system they had pursued. They commenced war against America after that country had offered the fairest propositions, and extended her arms to receive us into the closest and nearest connection. They did this contrary to their own sentiments of what was right, but they were over-ruled by that high and secret authority which they durst not disobey, and from which they derive their situations. They were ordered to go on with the American war or quit their places. They preferred emolument to duty, and kept their ostensible power at the expence of their country. To delude the parliament and the people, they then described the contest to be a *mere* squabble. It was not America with whom we had to contend; it was with "Haucock and his crew:" a handful of men would march triumphant from one end of the continent to the other. This was

the language sounded in that House, and for this language a learned member of it, (Lord Loughborough,) was exalted to the dignity of a peer, and enrolled among the hereditary council of the realm. He was thus rewarded for no other merit that he could ever discover but that of vehemently abusing our fellow-subjects in America, and calling their opposition the war of "Hancock and his crew!"

Having by misrepresentation deluded the parliament into the contest, they endeavoured to continue the delusion by promising the country gentlemen a revenue from America.* This, like all the rest of their fictions, was what they did not themselves believe, but it was necessary to the occasion. They saw the French raising an armament in their ports; great preparations were evidently making, which demanded the notice and the enquiry of the British ministry long before they openly professed this resolution to support the independence of America. What did our ministry do? They suffered these armaments to go on, they came down day after day, and professed that France was friendly in her disposition; nay, after they knew that the propositions were hostile against Great Britain; that they were intended to resist us in our attempts upon America; when it was no longer in the power of ministry to conceal the irksome truth, and when they were galled with what was told them of it in that House, they adjourned it for a considerable time, just previous to the conclusion of the treaty between France and America. Why did they do all this? Because if they had not, they must have been forced to go to war with France at a much earlier period than they did; which they could not have done without giving up the American war, the object of their ambition, because the parent of their fortune, and the tenure on which they held their power. They had wilfully and positively plunged this country into a war with France, with Spain, and with Holland, by a treacherous acquiescence in the designs of France, for the mere love and attachment that they had to the American war. If they had crushed the preparations of France in their infancy; if they had called her to a peremptory account before their naval equipments were matured; would any man breathing say, or suspect, that the French would have dared to act as they did, or presume to go to war with the whole strength of this country, undivided, unweakened, by the prosecution of a mad war against her colonies? Surely not. But they pursued another policy. He would not say that he believed they were paid by France; it was not possible for him to prove the fact; but he would venture to say, that they deserved to be paid by the grand monarque, for they had

served him more faithfully, and more successfully, than ever ministers served a master. If the French king heaped treasures upon their heads; if he exhausted his exchequer to enrich them; if he even drained his resources for their sake, he purchased the aggrandizement of his kingdom at an easy rate; for they had done more for its permanent advantage, more towards the accomplishment of the grand object of French ambition, that of universal monarchy, than all the preceding administrations that ever France had employed, nay, more than all the little atchievements of Louis le Grand. He, in his aim to acquire universal monarchy, grasped only at the conquest or the purchase of a few barrier towns, and by pursuing these impolitic means, had exasperated and roused Europe against him.

But the present system of France had been more deeply and more sagaciously laid. If there should be a deliberation between the king of France and his subjects on the best means of extending and establishing the projected universal monarchy; what would be the tenor of their conversation? "We must, the king would say, weaken and destroy our grand and most formidable rival, Great-Britain. To be sure, reply the subjects; but this cannot be done without diminishing and exhausting ourselves. Yes, says the king; we shall not strike a blow; we will make them cut and mangle one another; we will employ our ministers; those ministers who are paid by Great Britain for doing our business, to go to war with their master's subjects and destroy themselves. This accordingly is done. The prime minister of France, whom, said Mr. Fox, I now see sitting over against me, goes to war with America for the maintenance of rights, of trifles that were never disputed, and remains deaf and blind to the calamities and the intreaties of the people. Oh! but, say the subjects of France, Great Britain will triumph if we do not interfere. Then, says the monarch, we will interfere; after deluding these men with empty unmeaning professions, which no creatures but themselves would believe; we will come in at the critical moment to give the finishing stroke to American independence. All this will be great, will be masterly; the subjects would reply: Britain will be weakened; but by this we shall only have an equal share in the circulating commerce of America: Nay, we shall do more, says the king, we shall conciliate the affections of America; we will conclude a treaty with America, and by being instrumental to her independence, incline her by obligations to a preference in favour of France." All this may be supposed to have occurred between the king of France and his subjects; and still farther it

might have been said, that in order to complete the design of establishing an universal monarchy, they must destroy the other rival powers of Europe; the naval powers were the most to be dreaded, and, after Great Britain, of these naval powers the Dutch were the first to be overthrown. How could they do that without weakening themselves? Why, replies the king of France, how, but by instigating our faithful servants, the ministers of Great Britain, to go to war with their nearest, dearest, and best friends the Dutch. True, their interests are inseparable; they are like the right hand and the left of one immense and terrible body; by a brotherly combination of strength and action they are irresistible, and the House of Bourbon must fall before them; but divide them, nay, not only separate them, but set them to tear one another, and they will crumble before us. To do this would be impracticable with any other set of men; but nothing is impossible for those ministers in the scale of absurdity or madness to attempt. This would no doubt be said, and what must be the astonishment, what the feelings, what the transport of Frenchmen, when they perceived Great Britain go to war with the Dutch without a cause, for he declared he never yet could discover a cause for which we went to war with that power, forgetting all the interests, all the policy, and all the connection by which we had ever been and ought always to be guided with respect to her. What must have been the exultation of Frenchmen, when they saw the fleets of Admiral Parker and Admiral Zoutman; fleets that ought never to have met in any sea but on terms of friendship, meet to tear one another to pieces: in short, it was impossible for any set of men, however well inclined they might be to favour the interests of France, to serve her more effectually than his majesty's ministers had done; and yet we were constantly hearing the ministry exclaim against the perfidy of France: they made his majesty, from the throne, speak in the same style, of the restless ambition, and the perfidy of France. He exceedingly wished, that as we could not give them hard blows, we would be decent enough not to give them hard words: but it was the fashion of his majesty's ministers; they loved to talk in bitter terms. But why was the perfidy of France so bitterly inveighed against? Was that any thing new? Was the treachery of France of a late date, or her enmity to this country, or her desire to weaken us, or her restless ambition? They were all established as axioms in politics; and none but the present statesmen would have suffered themselves to be deluded by professions to the contrary, however speciously they might

be made, especially when there was incontestible evidence against them, in the preparations which they were making in all their ports.

The honourable gentleman who had seconded the motion, had strongly called for unanimity, and afterwards recommended the prosecution of the American war. Were the ministry confident enough to expect that there could be unanimity on that subject? Had they not, from the outset, declared their firm unequivocal abhorrence of it? Had they not declared and predicted what had come to pass? Had they not by every argument and means which respectful zeal could suggest, called upon, urged, and instigated them to put an end to a war which could only be productive of ruin and disgrace? Every period of it had been marked with disaster, and the last misfortune was such, as took away the final hope, even of the most violent abettors of the war. The honourable gentleman had said, that we could not blame the unfortunate and gallant lord who commanded the brave army in Virginia; that we must receive him with praises; for victories had been the preludes to the surrender of his army. He would join that honourable gentleman in bestowing the warmest praises on the noble Earl; for not to him did he impute the disaster, but to the ministry, by whose savage obstinacy he was ordered to persevere in an expedition against the evidence both of fact and reason. But had not all the transactions of this war been of the same sort? Had not all the generals been brave, and all unfortunate? The conquest of Ticonderago had concluded in the surrender of Saratoga. The victory of Brandywine had ended in the recall of Sir William Howe; and the battle of Camden in the capitulation at York. It had been with Earl Cornwallis as it was with General Burgoyne:

"The paths of glory lead but to the grave."

It had always happened so, and it must always happen so in the prosecution of this disastrous war. General Burgoyne had been brave; General Burgoyne had failed; and General Burgoyne had been reviled, persecuted, and proscribed; so had General Sir William Howe; so, perhaps, in his turn, would be the brave and unfortunate Earl Cornwallis: though he did not know where these candid men intended to fix the blame; whether upon Lord Cornwallis, or on Sir Henry Clinton, or on both; or on Admiral Graves, or on all. But it would soon be discovered; their dirty literary engines would be set to work, and calumny would come forth in all the insidious garbs that inventive malice could suggest. They would place the blame any where, but in the right place; in their own weakness, obstinacy, inhumanity or treason. To some one of these causes the blame was to be attributed, and not to

any failure in the execution of their plans. Two years since, a right honourable friend of his had moved the House, that our troops should be withdrawn from America, under a firm persuasion, that the French troops joined to the Americans, would be irresistible; and that left to themselves, their jealousy of one another, and their passions might be favourable to Great Britain. The motion was rejected, because, it was said to be impossible that the Americans should suffer a French army to enter into their provinces. So little did his majesty's ministers know of the intentions, or of the disposition of the people with whom they were at war! The event now confirmed the idea of his right honourable friend, whose military knowledge of the colonies would not be disputed. Now then, put a period to the contest. The French and the Americans are joined. The French and the Americans have taken an army. There was no part of the unfortunate disaster at York-town so portentous as that circumstance, or that gave him so much concern. It led to more fatal consequences than the loss of seven thousand men. The circumstance of this conquest being accomplished by the combined army of France and America, would superinduce a claim of acknowledgment and of gratitude, that would tie the two people together in an alliance of friendship, and give rise to commercial connections, which would shut out the only prospect that remained for this country of re-establishing a friendly intercourse with America, and having the benefit of her trade. Some of the persons belonging to his majesty's council were not so sanguine as others. Some, for whom he entertained respect, as private gentlemen, were not so sanguine as to believe, that if the people of America were really determined against us, we could ever reduce them to obedience. One of these, for whom he had great respect, a right honourable gentleman on the floor, (Mr. Rigby,) had said, upon the capture of Charlestown, that if that event did not produce fortunate conclusions in our favour, he should despair of success, and be ready to acknowledge, that it was an improper and mad thing to continue the contest. Now then, he called upon the right honourable gentleman to stand up, and in the face of the world act up to his promises; for it was now proved, that the capture of Charlestown had concluded in the surrender of an army. Had any other consequence risen from it? No; none. The right honourable gentleman, who professed to be open, and disdained the insidious dealing of saying one thing one day, and another the next, just as it might suit the occasion, would rise, therefore, he trusted, and call upon his majesty's ministers to put an end to this war.

There was one circumstance in the conduct and language

both of the ministers and of men of all parties, which he could not help taking notice of; it was, that amidst all their sorrow for the loss of Earl Cornwallis and his brave army, there was one thing which gave them great consolation, and for which they were grateful: it was, that our fleet had not ventured to fight the enemy. Hear it, Mr. Speaker, said the honourable gentleman; it is a source of joy, new in the history of Great Britain, that we rejoice on the occasion of one of our fleets not venturing to meet and fight the enemy! To this even were we reduced, and our joy on the circumstance was well founded! The honourable gentleman who seconded the motion had given great praise to Earl Cornwallis, and justly so, as he had already said; but in his opinion, the most brilliant part of the noble earl's conduct was, that even in the midst of his embarrassment, in the very moment of peril, when he expected every hour to be assaulted, and himself, with the whole army, to be put to the sword, he retained and expressed the purest patriotism and love for his country, in the anxiety which he shewed for the safety of the fleet! "Do not venture to relieve me, my fate is determined; do not decide the fate of our country by including yourselves in the disaster." But, indeed, the whole conduct of Lord Cornwallis was great and distinguished; where enterprize, activity, and expedition was wanted, no man had more of these qualities. At last, when prudence became necessary, he took a station which, in any former period of our history, would have been a perfect asylum. He planted himself in York and Gloucester, and preserved a communication with that which used to be the country and the dominion of Great Britain; a communication with the sea. It used to be the country of an English commander, to which he could retire with safety, if not with fame. It used to be the country on which he was invincible, whatever might be his strength on shore. Here it was that Earl Cornwallis was stationed on the borders of Great Britain, and by which he preserved a communication with New York, nay, with the city and the port of London. But even this was denied him; for the ocean was no more the country of an Englishman, and the noble lord was blocked up, though planted on the borders of the sea; nay, was reduced even to thank God, that a British fleet did not attempt his rescue. He said, he was far from meaning to insinuate that Admiral Graves was in fault; the ablest commander in the universe would have acted as he did, even Lord Hawke: the great and the gallant Lord Hawke, whose name he might now use with reverence, as he was no more, (for it was not the fashion to venerate living authorities;) and whose memory would ever be held dear, as the father of the British navy, would have acted in the same manner. He

who lived during the splendour of the British navy, and who perhaps was happy to retire that he might not live in its decline; even he would have acted in the same manner. Mr. Fox said he had taken a good deal of pains to inquire; he had conversed with the ablest officers on the subject; and he had it in his power to do so, for all the ablest officers were on shore; and they declared unanimously, that it would have been madness in Admiral Graves to have ventured to attack the French fleet in their position in the Chesapeak; that it could not have been done without the utmost risk of losing the whole fleet, as well as the army that was on board. How different was this from what it used to be in the English navy! In former wars to meet an enemy and to fight, to command a squadron and to vanquish, was the same thing. A British admiral knew not what it was to retreat from a French squadron, or be apprehensive of engaging them. But this, among other things, the Earl of Sandwich had introduced into the service of Great Britain. He had made it an essential part of the duty of an English admiral to run away from an enemy. He, that first lord of the admiralty, who had declared in his place, in the House of Peers, that he deserved to lose his head if he ever failed to have a fleet equal to the combined naval power of France and Spain—he had forfeited the penalty of his bond; the Earl of Sandwich had forfeited his head, for the Earl of Sandwich had not a fleet in any quarter of the world equal to that of the house of Bourbon! In America, the British squadron, under Admiral Graves, amounted to twenty-five sail of the line. The French squadron, under De Grasse, to thirty-five sail; in America, then, we were unequal. In the West Indies a decided superiority against us had been manifested by the occurrences of the campaign. We had lost the island of Tobago; a large Spanish squadron was now triumphant in those seas, unopposed by any British force whatever, capable and ready to do what they pleased. True; we had taken a defenceless island, and disgraced ourselves by the capture; a capture productive of no good, (no national good he meant, for undoubtedly the conquerors would have benefited by the plunder,) and by which we had brought upon our name and arms the greatest stigma that could fall upon an enlightened nation, that of barbarity.

In the West Indies then we were inferior, and so inferior that there was not a man of any experience who did not tremble for the safety of our dearest possessions in those seas. Unequal in those two places, it might be thought that our great superiority was employed in some exploit in another part of the world. Where? how? was it in Europe? In

Europe, the Channel fleet did not at any time consist of more than 27 ships of the line, and the combined fleets amounted to 47 sail, and blocked up the mouth of the English channel; claimed the proud dominion of the seas on our coasts, and took within our view a valuable and a numerous fleet of traders. In the English channel, then, we were inferior. But perhaps in the northern seas there was a great commanding squadron to overcome or to destroy the Dutch marine. Was there so? Admiral Parker met and fought the enemy with an inferior force, and there was a circumstance occurred in this part of our naval management which gave a most striking picture of the admiralty system. After Admiral Parker had written home to inform the board that the Dutch squadron was much larger than they had given him to understand or expect, they dispatched a cutter to him with the intimation that there were two ships lying at Harwich, fully equipped and ready for sea at an hour's notice, which he might have if he desired them. Instead of sending these ships, in consequence of the information which the Admiral had given them, they sent a cutter, and lost the opportunity. Admiral Parker met the Dutch fleet in the mean-time, and fought without the addition of these ships, by which, perhaps, and indeed in all probability, he would have procured a decisive victory, and have destroyed or maimed the Dutch force for the rest of the war. But by this ignorant, treasonable conduct, instead of a victory, there was only a drawn battle. But perhaps we had been superior in the Mediterranean, and in the Baltic! No; in the Mediterranean we durst not even attempt to relieve an invested island, the island of Minorca; nor relieve a blockaded garrison, the garrison of Gibraltar; two places that were always hitherto considered to be of the last importance. In the Baltic, we had given up the right of fighting, even when attacked; we must not dare to fire a gun in the Baltic. In the European seas, then, we had been unequal to the enemy in all the operations of the campaign. In the East Indies we were not superior to the enemy. He had heard in the king's speech, of the prosperous state of affairs in the east, but he professed he knew of no prosperity in that quarter. Was there any news of conquest, or of advantage, or even of escape, come from the east? It was a hidden secret to every body with whom he conversed; and he believed, was to be found no where but in the king's speech. In every corner of the world, then, were we inferior to the enemy; and yet, with a fleet diminished and inferior, rendered still more weak by the infamous manner in which it was directed. After the present

disaster to our arms in Virginia, with the same men to conduct, and what was worse, with the same system, were we, the representatives of the people of Great Britain, called upon to address the crown, and promise to support his majesty in the same pursuit that had brought us to this state.

In giving this detail of our situation, he had avoided entering into the minute and subordinate measures of government. He had confined himself merely to the leading features of their management, and of our situation; and though he had not enumerated our domestic grievances, he by no means forgot or despised them. There was one grand domestic evil, from which all our other evils, foreign and domestic, had sprung. The influence of the crown. To the influence of the crown we must attribute the loss of the army in Virginia; to the influence of the crown we must attribute the loss of the thirteen provinces of America; for it was the influence of the crown in the two Houses of parliament, that enabled his majesty's ministers to persevere against the voice of reason, the voice of truth, the voice of the people. This was the grand parent spring from which all our misfortunes flowed. But still, as he had said before, this picture of our situation was more distant from dejection than the serious picture of the honourable gentleman who spoke before him; for all these calamities were connected with the system, and the men in power. Change the one *in toto*, and remove the other, and you would purify the fountain-head, by which all the flood was contaminated.

He called upon the House to know whether they were still ready to go on with this accursed and abominable war. He called upon them as the representatives of the people, and not as the creatures of the minister, to do their duty; to execute the trust reposed in them, and to act up to the sentiments that they really felt. Did they really believe that we could ever conquer America? He desired them to lay their hands upon their hearts, and proclaim in the presence of God and men, whether they thought that all the power of Great Britain, strained and exerted, was equal to the task. He would leave the question to this conscientious test, and he would venture to say, that if no man, but he who thought the contrary of this, would presume that night to vote for the address, the minister would be left in the smallest minority that was ever known in that House; nay, he believed in his soul, that the minister himself would vote against the war. Were they determined rashly and vehemently to go on? Had they not done enough for the minister, and was it not now sufficient time to do something for their constituents? In his own opinion,

no address whatever should be sent up to the throne, until they had an opportunity of going down to their constituents, and consulting with them on the matter. They, and they only, were to pay for the continuance of the war, and it was fit and necessary that they should give their instructions. But though this was his own immediate opinion, he was willing to take a more gentle course, for he desired unanimity as much as the honourable gentleman who spoke before him; and therefore he would move to amend the motion for the address, by the substitution of a clause, in the room of a great part of that now in the hand of the Speaker. The violent epithets and abuse against the French, though he did not approve of them, were yet become so familiar to the House, and the ministry were become so much in love with them, perhaps using them to conceal their good offices in a more substantial way, that he did not very earnestly object to them. The part to which he could not agree, was all that which went to the continuance of the American war, and which was couched in the most cunning and insidious language. The amendment which he should propose, would give his majesty the assurance of their loyalty and zeal, and would promise in a more effectual way to support the essential rights and permanent interests of his empire. He concluded with moving to leave out from the words "and we," in the third paragraph to the end of the paragraph, in order to insert these words: "will, without delay, apply ourselves with united hearts to prepare and digest such counsels as may in this crisis excite the efforts, point the arms, and, by a total change of system, command the confidence of all his majesty's subjects," instead thereof.

The amendment was supported by Mr. Minchin, Admiral Keppel, Mr. Thomas Pitt, Mr. Burke, Colonel Barré, Lord Maitland, General Conway, and Mr. Sheridan; and opposed by Lords Mulgrave, North, Nugent, and George Germain, and Mr. Rigby. After which, the House divided on the question, That the words proposed to be left out, stand part of the question:

	Tellers.			*Tellers.*	
YEAS	Mr. J. Robinson Mr. Ord	218.	NOES	Mr. Byng Mr. Sheridan	129.

Mr. Fox's amendment was consequently rejected.

Mr. Thomas Pitt's Motion for delaying the Supplies.

November 30.

On the motion for going into a committee of supply, Mr. Thomas Pitt rose to object to the Speaker's leaving the chair. It was not his wish, he said, to deprive the crown of the means of carrying on its government in the present alarming juncture of affairs; he did not mean to hinder, but to protract the proceedings of the House in this business, lest administration, carrying their point with a facility that rendered them callous to the distresses of the nation, should be encouraged to persevere in the same councils and measures which had brought the empire to the verge of irretrievable ruin. Before they looked for any fresh proof of the confidence of parliament, it was requisite they should shew a due sense of their own misconduct, and give a sure pledge of their intentions to change the whole system of their proceedings. What that pledge ought to be, would be for the House to determine. But to withhold the supplies till some positive assurance of their repentance was obtained, till some proof of their contrition stood on record, was not only a duty the members owed their constituents, but would be the most effectual means of strengthening the hands of government. That the redress of grievances should invariably precede the opening of the public purse, was a principle on which stood the existence of the constitution. He was therefore warranted in opposing privilege to prerogative, and in refusing to vote a shilling to the crown till its ministers had given the people some earnest of their amendment. Sir Grey Cooper reminded the honourable gentleman, that the House, by agreeing to the address of the throne, had pledged itself to grant some supplies. He must look upon such a resolution in no other light than public despair, and political suicide: no instance of such a refusal could be found since the revolution. Did the honourable gentleman wish to leave the nation without either fleet or army to defend it? This, indeed, would be a most agreeable event to France and Spain:

"Hoc Ithacus velit; et magno mercentur Atridæ!"

Mr. Fox said, that ministers and their friends had a double way of reasoning with regard to the address: when they wanted to get it through the House, they said it bound the House to nothing; but now that it was passed, and an opposition was made to the supply, they argued, that by the address the House had bound itself to grant it. The honourable gentleman from whom the opposition came, had undoubtedly hit upon the best means of procuring to the people that change of measures upon which their political salvation depended, — to delay the supply, though not to refuse it; to delay it until some pledge should be given by ministers to

the nation, that they felt compunction for past errors; that they had discovered their fault, and were resolved to reform. The honourable member very properly refrained from naming what pledge it would be necessary to give; that ought to come from themselves, but not from themselves only; parliament should also give a pledge; and a better could not be devised, than an impeachment. That House had once felt the corruption of ministers to be gaining ground so rapidly, that they came to the resolution that the influence of the crown was increasing, and ought to be diminished. Ministers had basely advised their master to rule by the silent means of intrigue, instead of reigning in the hearts of the people; they had destroyed the democracy of the constitution, and all was now swallowed up in the monarchy; the forms, indeed, of the constitution were still in being, as an honourable gentleman had observed, but the vitals of it were consumed; the temple stood, but the *dii tutelares* had deserted it. The honourable baronet had said, that since the revolution no instance could be found of an opposition to the supply. It was true; but since the revolution had there ever been a period like the present? Had there ever been a reign so unfortunate? Had there ever been a circumstance so paradoxical, as a parliament resolving that the influence of the crown ought to be diminished, without being able to effect a diminution? Grievances, said the honourable baronet, used formerly to precede a supply; but then it was because the king had large hereditary revenues with which he could support his establishments: it was true; but since the separation of the two establishments, the court and the military, had taken place, ministers had advised their sovereign to think only of himself; and in proportion as the means of his subjects decreased, the expences of his court were increased. Formerly, when that party of men, known by the name of Whigs, was in office, the king perhaps was not so rich in money, but he was greatly so in glory and dominion: now that the Whigs were not in office, and the nation poor, the king was rich at home, but poor in glory and dominion; both being sacrificed by the measures of his ministers. But, said the honourable baronet, will you disband your fleets and armies, and leave the country at the mercy of her enemies? Certainly not. It is in the power of the ministers to obtain the supplies, which are only delayed, whenever they may think proper to give such a pledge as may be sufficient to convince the public that they are determined totally to change their measures. But the French and Spaniards will rejoice at government being at a stand! Then, O house of Bourbon! might you be called restless indeed, not to be

satisfied with the administration of those men, whose measures gave you Grenada, St. Vincent's, Dominica, Tobago; and, what is greater than all the Grenadas, St. Vincents, Dominicas, and Tobagos,—the friendship of America! Restless, indeed, you must be, if you could rejoice at the removal of men who have served you so well, and so greatly contributed to your successes against this country! He had said, in a former debate, that ministers must be paid by France, or by some other means, for the measures they pursued; or that they deserved to be paid; and he was still of the same opinion. It was a matter of the utmost indifference to him, whether ministers were in the pay of France, or, in order to preserve their places, concurred, for the sake of the emoluments of office, in measures which they knew must be ruinous to the country. He did not wish that we should have no army; but how could he trust an army to the hands of the present ministers, unless he wished to see it surrendered up to Washington? One army had been lost at Saratoga; another at York-Town; and God only knew what third place would be signalized by the loss of a third army! The people felt these losses and disgraces; but ministers must not be blamed, because they criminate the commanders:—General Burgoyne was blamed; Sir William Howe was blamed; Sir Henry Clinton was blamed; Sir Samuel Hood was blamed; and so was Admiral Graves: but this must not exculpate ministers; for if the generals and admirals were all to blame, ministers must be so too, for employing commanders unequal to the task imposed upon them.

In opposition to these arguments, it was alleged, that the removal of the present ministers being evidently the chief object proposed by those who wished to negative the motion before the House, there were many other less objectionable methods of obtaining the same end: that in whatever hands his majesty might choose to trust the administration of affairs, a supply would be absolutely and equally necessary: that the delay proposed would be therefore a fruitless loss of time, as the House might, if they thought fit, adopt other measures equally effectual, and not attended with the same danger or inconvenience to the state. The motion for going into a committee was supported by Mr. William Adam, Lord North, Lord Frederick Campbell, and Mr. Vyner; and opposed by Viscount Althorpe*, and Mr. Frederick Montague. The question being put, that the Speaker do leave the chair, the House divided:

	Tellers.			*Tellers.*	
YEAS	Sir G. Cooper, Mr. Ord	172.	NOES	Lord Althorpe, Mr. F. Montague	77.

So it was resolved in the affirmative.

* The present Earl Spencer.

MOTION FOR AN ADJOURNMENT. — CONDUCT OF THE FIRST LORD OF THE ADMIRALTY.

December 20.

AS soon as the royal assent was given to the money bills, and the Speaker had returned to the House of Commons, Sir Grey Cooper, one of the secretaries of the Treasury, moved that the House, at its rising, should adjourn to the 22d of January, 1782. This motion gave rise to an animated debate, in which the recent instance of misconduct in the first lord of the admiralty, the retreat of the British fleet under Admiral Kempenfelt, was strongly insisted on, as an additional proof of the necessity of proceeding, without delay, into an investigation of the causes of the disgraceful and ruinous events that had attended all our naval operations.

Mr. Fox spoke with great energy on the disastrous event of Admiral Kempenfelt's interview with the French fleet. It was impossible, he said, that any thing short of treachery could have occasioned a conduct so ignominious and disgraceful. If it was ignorance or incapacity, that induced the Earl of Sandwich to send twelve ships to fight twenty, he could only say that it was ignorance and incapacity unparalleled in the history of all times. Had any man in this kingdom been ignorant of the state and number of the French armament? He would venture to say, that if the first lord of the admiralty was ignorant, he was the only person who was so in this kingdom. A fortnight ago it was a matter of general notoriety, and every man who had intelligence of fleets, the merchants and gentlemen whose interests were at stake in the present momentous contest, all believed and knew, that the French had it in their power, and had an intention of sending one or two and twenty ships to sea upon this expedition. He, for his own part, did not boast of his intelligence; but he had mentioned, in his place, in that House, that the enemy's squadron in Brest water, was twenty or twenty-two ships. Were the admiralty ignorant of the fact? If they were, they were criminal for being so. If they knew the fact, as indeed they must, why did they not give Admiral Kempenfelt a greater force to meet the enemy? Would they say that they had not more ships in readiness at Portsmouth, and other places, which might have joined him, if they had received orders? They would not venture to say so. He did not mean to censure the conduct of Admiral Kempenfelt; on the contrary, he thought his behaviour was

exceedingly praise-worthy. But he must say that the nation incurred the disgrace of seeing a squadron of her ships fly from a pursuing enemy. It was true that he had taken a few of the transports, and some of them had come into port. It was an advantage, but he had retreated from the enemy, and he was forced to do so. This he could not forget, nor could he forget the rapture that filled every man's mind, who believed the information of the admiralty, on Monday last, when they were given to understand, that the two fleets were in sight of each other, and that the British squadron was nearly able to cope with the enemy; that was to say; that Admiral Kempenfelt had twelve ships, and the enemy only thirteen or fourteen. It was a thing so unusual, and so new; it was also so unexpected, and so fortunate, that gentlemen were transported with joy, and began to hope that something like vigour and activity had at last crept into the cabinet. For his own part, he fairly owned that he was so perverse as to doubt the truth of the admiralty report, and for this reason, that for a fortnight before, every body but the first lord of the admiralty, knew that the enemy had at least twenty ships to send to sea if they pleased. But gentlemen were credulous. They believed it from the best of motives, because they wished it to be true. But how short lived were their raptures, and how miserably were they awakened from the dream of success! The thirteen ships were turned into twenty, and the brilliant victory into a providential escape. In every corner of the world we were taught that the enemy was superior to us in naval strength, except in Europe. In Europe we were said to have a superiority, and we were consoled and comforted by this reflection. See how the Earl of Sandwich proved that we were superior! By sending twelve ships to meet twenty, he proved his boasted superiority! We had heard from a noble lord at the board of admiralty, that we were and must be inferior to the enemy; for when they applied all their resources to their navy, they must command a greater force than Great Britain, who used to be the mistress of the ocean, could put to sea. This was denied by some, and disputed by others. They said that the navy of Great Britain had been always superior to that of France, and that it ought to be so at all times. But see, said Mr. Fox, how the Earl of Sandwich proved the assertion. It was inferior, and it would and must be inferior, so long as that noble lord remained the naval minister of this country. During the whole of the war, he defied the friends of the admiralty board to mention any one occasion, on which the first lord of the admiralty had shewn himself either a wise,

a vigilant, a capable, or a good minister. He could never forget the assertion which he made in his place in the other House. It had been quoted, and it must be quoted so long as he should continue at the head of that board, insulting, ruining, and disgracing his country. He was told, that the assertion had been denied, but that was immaterial. He knew that the assertion had been made, and he had a right to mention it, because the assertion had affected the proceedings of Parliament. Sayings upon subjects of the first importance, delivered by men responsible for their conduct, could not fail of making an impression on the minds of all who had once heard of them. It was impossible not to remember them, and he would maintain against all controversy, that he was perfectly warranted in looking up to those sayings, in commenting upon them, and in comparing them with the subsequent conduct of the party who made them, as often as occasion required. The first lord of the admiralty might shift his ground, he might aim at evasion, he might boldly deny at a future, what he had, perhaps, rashly asserted at a former period; but he never should escape him, or persuade him to forget, what had with so much reason fastened itself upon his mind immovably. Indeed, the assertion relative to the duty of the first lord of the admiralty, made by the Earl of Sandwich, was almost the only assertion which had ever come from the lips of that noble lord since he had been in office worth any gentleman's recollection. The speech, of which that assertion made a part, was a manly speech; it was the speech of an Englishman; it became the noble lord's character, it became his official situation; he boldly declared it to be his duty to have a fleet equal to that of France and Spain. If, however, by the fortune of war, or by the accumulation of enemies, he failed to have, as he ought and declared he ought, a fleet equal to the enemy, what was the next thing which a wise and an active minister would do? What! but to make his inferior fleet go as far, and do as much good as possible! Inferior to France and Spain when joined, it might have been able to meet either of them apart. It ought, therefore, to have been his study to keep them apart. Had this been the policy of the first lord of the admiralty? No; on the contrary, he had never once attempted to keep the fleets of France and Spain separate from each other. They had met, joined, parted, and gone to their several harbours; the one to Brest, and the other to Cadiz, as quietly and as safely as in a moment of peace. Never until this moment had there been an attempt made to intercept and prevent their junction. Now an attempt was made, it was right,

it was proper, it was suited to the exigency of our affairs, and it was a measure founded on a truly British principle. But it was new to the Earl of Sandwich, it was out of his stile of acting, it was out of his scope of management, and see how he had bungled in the execution. To prevent their junction, and to defeat the French expedition, he sent twelve ships to meet nineteen or twenty. Was it possible that we could suffer this? Was it possible that we could think of adjourning for so long a time? Perhaps we were fond of adjournments. It was said, that people were fond of that which cost them dear. If so, it was no wonder that the House of Commons should be fond of an adjournment. An adjournment had cost them thirteen provinces. It was that fatal adjournment for six weeks, which the minister had extorted from the House in the beginning of 1778, that had ruined the country; for in that adjournment it was that the treaty between France and America had been signed. He called upon the House to do their duty. There must be an inquiry into the conduct of the first lord of the admiralty, if not an impeachment. From his soul he thought and believed, that there was something more than ignorance and incapacity at the bottom of his conduct. But there must be an inquiry. The disgraces of the British flag called upon the House to go into an inquiry. The divisions and distractions in the royal navy; their injuries and complaints, called upon the House. The banishment of so many brave and experienced officers was a call upon them. The inferiority of our fleets in every corner of the world; the loss of many of our West-India islands, and the imminent danger of the rest, called upon them to make the inquiry. The sufferings and the clamours of the people called upon them, and last of all this recent instance and proof of incapacity, of ignorance, or of treachery, called upon them loudly to make the inquiry without the loss of a single minute; to search to the bottom of our naval management, and to apply to the crown to remove this man from a seat which so many calamities and errors had proved him to be unfit to hold. He was willing to refer the whole of the question to the feelings of the House; nay, even to the feelings of the treasury bench. Was there a man upon that bench, lords of the admiralty excepted, who would stand up and declare upon his honour, that he thought the Earl of Sandwich a fit and proper person to conduct the naval affairs of this country? To that test he would leave the question; and when the House knew that there was not even a minister who thought Lord Sandwich a proper man to be a minister, how could they go down to their constituents, how could they look them in the face,

and how answer for their servility, or their baseness in not addressing the throne to remove a man who in their hearts they believed to be unfit for the office which he held?

After a debate of some length, a compromise took place, by which the day of adjournment was altered to the 21st of January, and the call of the House, which had been ordered for the 31st, altered for the same day.

END OF THE FIRST VOLUME.

Strahan and Preston,
Printers-Street, London.

00027073

Digitized with financial assistance from the
Government of Maharashtra
on 28 September, 2015